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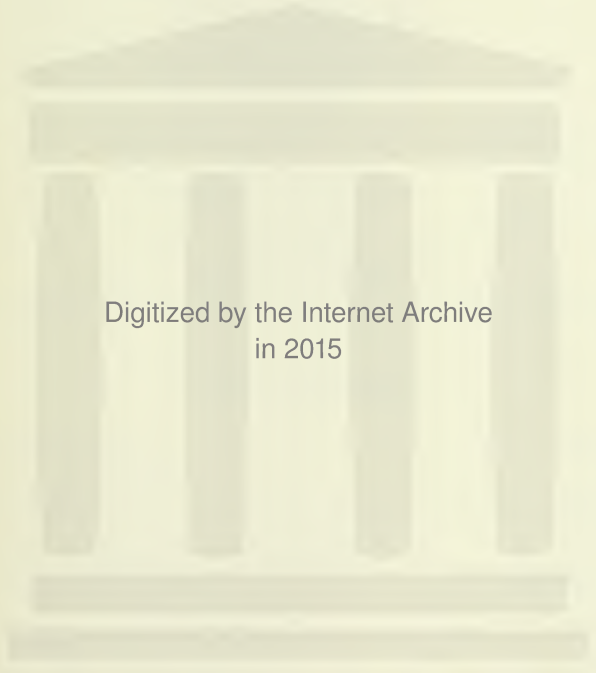
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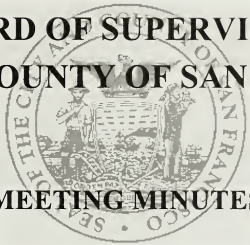
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO



MEETING MINUTES

GOVERNMENT DOCUMENTS DEPT
APR - 7 2015
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, April 2, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of February 26, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

121104 [Planning Code - Landmark Designation - 320-326 Judah Street (the Doelger Building)]

Sponsor: Wiener

Ordinance designating 320-326 Judah Street (the Doelger Building), Assessor's Block No. 1763, Lot Nos. 020 and 021, as a Landmark under Planning Code, Article 10; and adopting General Plan, Planning Code, Section 101.1, and environmental findings.

Ordinance No. 061-13

FINALLY PASSED

121162 [Planning Code - Inclusionary Affordable Housing Program, Updates, and Clarifications]

Sponsor: Mayor

Ordinance amending the Planning Code, Section 401, and provisions of the Inclusionary Affordable Housing Ordinance, Sections 415 et seq., to update and clarify provisions of the Inclusionary Affordable Housing Program (Program) by reducing certain on-site requirements under Charter, Section 16.110; providing a cap on rent increases; clarifying the timing of off-site developments; requiring rental units that convert to ownership to sell at less than the price for ownership units under certain circumstance; establishing pricing for affordable Single Room Occupancy units; changing the status of projects using California Debt Limit Allocation Committee tax exempt bonds so that such projects are subject to the Program, but that units may qualify as on- or off-site units under certain circumstances; allowing income levels of qualifying households to exceed those specified in certain situations; clarifying that the threshold application of the Program to projects of 10 units or more applies to the South of Market Youth and Family Special Use District and all other areas of the City; making technical clarifications and corrections; and making environmental findings and findings of consistency with the General Plan.

Ordinance No. 062-13

FINALLY PASSED

130042 [Planning Code - Medical Service Use - Sacramento Neighborhood Commercial District]

Sponsor: Farrell

Ordinance amending the Planning Code, Section 724.1, and related portions of Table 724, to permit a change of use from a business or professional service use to medical service use on the first floor or below in the Sacramento Neighborhood Commercial District; and making environmental findings, Planning Code, Section 101.1, findings, and findings of consistency with the General Plan.

Ordinance No. 063-13

FINALLY PASSED

121084 [Freeway Agreement - California Department of Transportation - State Highway Route 101, South Van Ness Avenue to Golden Gate Avenue]

Resolution adopting a freeway agreement with the California Department of Transportation (Caltrans) for a portion of State Highway Route 101 from South Van Ness Avenue to Golden Gate Avenue; and authorizing official acts related thereto. (Public Works Department)

Resolution No. 094-13

ADOPTED

Recommendations of the Rules Committee

130144 [Appointments, Citizens' General Obligation Bond Oversight Committee - Minneola Ingersoll and Jonathan Alloy]

Motion appointing Minneola Ingersoll and Jonathan Alloy, terms ending November 21, 2014, to the Citizens' General Obligation Bond Oversight Committee. (Clerk of the Board)

Motion No. M13-049

APPROVED

130145 [Appointment, Lesbian, Gay, Bisexual, and Transgender (LGBT) Seniors Task Force - Moli Steinert]
Motion appointing Moli Steinert, for an indefinite term, to the Lesbian, Gay, Bisexual, and Transgender (LGBT) Seniors Task Force. (Clerk of the Board)

Motion No. M13-050

APPROVED

130250 [Appointments, Urban Forestry Council - John Hillan, Dan Flanagan, Sandy Sherwin, William Brock Most, and Rose Hillson]
Motion appointing John Hillan, Dan Flanagan, Sandy Sherwin, William Brock Most, and Rose Hillson, terms ending November 18, 2014, to the Urban Forestry Council. (Clerk of the Board)

Motion No. M13-051

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

130185 [Appropriation - $656,958 of General Fund Reserve to the Public Defender for Salary Expenditures - FY2012-2013]
Sponsors: Campos; Avalos and Mar
Ordinance appropriating $656,958 from the General Fund Reserve to the Public Defender for salary expenditures in FY2012-2013, pursuant to Charter Section 9.113, this appropriation is subject to a two-thirds affirmative vote of all members of the Board of Supervisors.
(Fiscal Impact)

Supervisor Campos, seconded by Supervisor Cohen, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130229 [5-Year Financial Plan - FY2013-2014 through FY2017-2018]
Sponsors: Mayor; Farrell, Chiu and Cohen
Resolution adopting the City's 5-Year Financial Plan for FY2013-2014 through FY2017-2018 pursuant to Charter, Section 9.119.

Supervisor Cohen requested to be added as a co-sponsor.

Resolution No. 101-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Sub-Committee

130177 [Multifamily Housing Revenue Bonds - Broadway Sansome Apartments - Not to Exceed $23,900,000]
Sponsor: Chiu
Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed $23,900,000 for the purpose of providing financing for the acquisition and construction of a 75-unit multifamily rental housing project known as Broadway Sansome Apartments; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the forms of and authorizing the execution of certain loan documents; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters.

Resolution No. 096-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130234 [Ground Lease Amendment - 255 Broadway]
Sponsor: Chiu
Resolution approving and authorizing the Mayor's Office of Housing, as Successor Housing Agency to the Redevelopment Agency, to amend an existing term ground lease with Broadway Sansome Associates, L.P., a California limited partnership, for the development and operation of affordable housing on certain real property located at 255 Broadway and making findings that the amendments are in conformance with California Environmental Quality Act, the City's General Plan, and the priority policies of Planning Code, Section 101.1.

Resolution No. 098-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130254 [Lease Financing for Improvements - Moscone Convention Center]
Sponsor: Kim

Resolution providing for the sale of certificates of participation evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City and County of San Francisco under a Lease Agreement to finance capital projects at the Moscone Convention Center; providing for the sale of the Certificates by competitive sale; approving the form and publication of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of a Preliminary Official Statement and the form and execution of an Official Statement relating to the sale of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the execution, sale, and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact)

Resolution No. 093-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130227 [Lease - Van Ness Post Center, LLC - Law Library - 1200 Van Ness Avenue]
Sponsor: Mayor

Resolution finding that 20,000 net rentable square feet is suitable and sufficient for the Law Library; authorizing the Director of Property to enter into a lease with Van Ness Post Center, LLC, for the Law Library at 1200 Van Ness Avenue; finding that the proposed relocation of the Law Library to such space is in conformance with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing the Director of Property to find alternative comparable space if a lease with Van Ness Post Center, LLC, cannot be finalized.

Privilege of the floor was granted to John Updike, Director of Real Estate, and Jon Givner, Deputy City Attorney, who responded to questions raised throughout the discussion.

Resolution No. 097-13

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

121004 [Planning Code - Market Street Masonry Historic District]
Sponsors: Kim; Breed and Campos

Ordinance amending the Planning Code, by adding a new Appendix M to Article 10 (Preservation of Historical, Architectural, and Aesthetic Landmarks), to create the Market Street Masonry Historic District, a discontiguous landmark historic district; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130119 **[Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]**

Sponsors: Mayor; Chiu, Wiener, Yee, Farrell, Breed, Mar, Tang and Cohen

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

Supervisor Cohen requested to be added as a co-sponsor.

Privilege of the floor was granted to Jason Elliott (Mayor's Office) who responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Neighborhood Services and Safety Committee

121159 **[Liquor License - 34 Mason Street]**

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Mark E. Rennie for Good Oel, Inc., dba The Beer Cafe, located at 34 Mason Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 095-13

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Yee

Noes: 1 - Wiener

130033 **[Liquor License - 555 Howard Street, #102]**

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Steven Chen for SharChen Golf, Inc., dba Eagle Club Indoor Golf, located at 555 Howard Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Supervisor Kim, seconded by Supervisor Yee, moved that this Resolution be CONTINUED to April 16, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Rules Committee

130249 **[Appointments, Mental Health Board - Errol Wishom, Melody Daniel, Ellis Joseph, Lena Miller, and Marlene Flores]**
Motion appointing Errol Wishom, term ending January 31, 2015, and Melody Daniel, Ellis Joseph, Lena Miller, and Marlene Flores, terms ending January 31, 2016, to the Mental Health Board. (Clerk of the Board)

Motion No. M13-052

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

There were none.

COMMITTEE REPORT

Recommendation of the Land Use and Economic Development Committee

130018 **[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District]**
Sponsor: Avalos
Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to open government and public records. (See additional information submitted on Page 11.)
Ace Washington; expressed various concerns
Eugene Gordon, Jr.; expressed various concerns.
Katy Hawkins-O'Coury; expressed concerns relating to gun violence.
Jane Kennedy; expressed concerns relating to underground utilities.
Carla; shared in poem certain concerns with the Board.
Darrell Bonapart; expressed concerns relating to upcoming housing event.
Douglas Yep; expressed various concerns.
John DiDonna; shared in poem certain concerns with the Board.
Male Speaker; expressed various religious concerns.
Charlie Walker; expressed concerns relating to public comment, municipal railway on Third Street, and parking.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130288 **[Supporting San Francisco Applicants for the Deferred Action for Childhood Arrivals Program]**
Sponsors: Chiu; Campos, Yee, Wiener, Cohen, Mar, Kim and Avalos
Resolution urging the San Francisco Unified School District to coordinate efforts with City Departments to support student participation in the Deferred Action for Childhood Arrivals Program and create a centralized system to facilitate transcript requests and enrollment history verification for undocumented students and transitional aged youth.

Resolution No. 100-13

ADOPTED

130289 **[Accept and Expend Grant - Beach Water Quality and Monitoring - $25,000]**
Sponsor: Tang
Resolution authorizing the Department of Public Health to accept and expend retroactively a grant in the amount of $25,000 from the State Water Resource Control Board to participate in a program entitled "Beach Water Quality and Monitoring" for the period of October 1, 2012, through September 30, 2013, waiving indirect costs.

Resolution No. 099-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

120488 [Environment Code - Bottle Filling Stations]
Sponsor: Chiu
Ordinance amending the Environment Code, by adding Chapter 23, to require new buildings that have drinking fountains to provide bottle filling stations; setting an operative date; and making environmental and other findings.

06/26/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/26/2012.

07/11/12; REFERRED TO DEPARTMENT.

07/13/12; RESPONSE RECEIVED.

04/02/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

121019 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice Requirements]
Sponsor: Wiener
Ordinance amending Administrative Code, Chapter 31, to reflect revisions in the California Environmental Quality Act (CEQA) and to update and clarify certain procedures provided for in Chapter 31, including without limitation: codifying procedures for appeals of exemptions and negative declarations; providing for the Board of Supervisors (Board) to make the final CEQA decision on projects requiring Board legislative action, negating the need to file formal CEQA appeals; revising noticing procedures for environmental impact reports and negative declarations for plan area projects exceeding 20 acres; expanding noticing requirements for certain exempt projects; clarifying existing noticing requirements for exempt projects; and making environmental findings.

10/16/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2012.

10/29/12; REFERRED TO DEPARTMENT.

11/13/12; RESPONSE RECEIVED.

11/20/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/03/12; RESPONSE RECEIVED.

01/29/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

02/06/13; REFERRED TO DEPARTMENT.

03/18/13; RESPONSE RECEIVED.

03/27/13; RESPONSE RECEIVED.

04/02/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130299 [Appropriation and De-Appropriation - $4,072,764 for Overtime - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $4,539,012 to overtime and de-appropriating $4,539,012 consisting of $3,647,539 in permanent salaries and $891,473 in fringe benefits in the Fire Department's operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.
(Fiscal Impact)

04/02/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/2/2013.

130300 [Administrative Code - Child Care Centers for City and City-Funded Projects; Feasibility Studies]
Sponsor: Yee
Ordinance amending the Administrative Code, Sections 29B.4 and 29B.5, to transfer responsibility for Child Care Feasibility Studies from the City Administrator and the Department of Children, Youth and Their Families to the Office of Early Care and Education in the Human Services Agency, and the Child Care Facilities Interagency Committee; and making environmental findings.

04/02/13; ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Safety Committee, expires on 5/2/2013.

Resolutions

130301 [Approval to Grant Subsurface Easement for Tiebacks in the City and County of San Francisco required for the Chinese Hospital Replacement Project – Assessor's Parcel Number Block 192, Lot 035]
Sponsor: Chiu
Resolution approving the grant of a Tieback Subsurface Easement on Assessor's Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the Chinese Hospital Replacement Project; adopting findings that the grant of subsurface easement is consistent with the General Plan and the priority policies of Planning Code, Section 101.1, and environmental findings; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

04/02/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130302 [Supporting Assembly Bills 218 and 870 - Expansion of California's Fair Hiring Policies to Cities, Counties, State Agencies, Special Districts, and Private Employers That Contract with State Agencies]
Sponsors: Kim; Avalos, Campos, Cohen and Mar
Resolution supporting Assembly Bill 218, which expands California's existing fair hiring policies for state and public employees to city and county workers statewide, and Assembly Bill 870, which expands California's existing fair hiring policies to private employers that contract with the State.

04/02/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130303 [Urging City College of San Francisco to Preserve the Quality and Diversity of the School's Education and the City to Consider New Support]
Sponsors: Mar; Cohen
Resolution urging the City College of San Francisco (CCSF) Board of Trustees and administration to utilize Proposition A Funds to preserve the quality and diversity of education that has served San Francisco well; and for the City to consider additional support for CCSF by evaluating the fees currently charged by the City to CCSF, the possibility of providing more in-kind services, and exploring long-term local support structures.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130304 [Urging City Departments to Release Data to Help Prevent Towing]
Sponsors: Chiu; Mar and Campos
Resolution urging City departments to release data that would enable the development of applications and other tools to help San Francisco residents and visitors avoid getting towed.

04/02/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130305 [Equal Pay Day - April 9, 2013]
Sponsors: Cohen; Chiu, Avalos, Mar, Kim and Campos
Resolution declaring April 9, 2013, as Equal Pay Day in the City and County of San Francisco.

04/02/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

130306 [Hearing - Recent Violence in the Mission and Response and Prevention Plans of City Departments and Community Organizations]
Sponsor: Campos
Hearing to review violent events in the Mission since the start of 2013, including homicides, gang violence, shootings on Muni and sexual assaults; strategic planning for prevention efforts during the upcoming summer months; and request for presentation and accounting of prevention and response efforts of community policing agencies, law enforcement agencies, and related departments.

04/02/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

Introduced by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130278 [Settlement of Lawsuit - Dadario v. CCSF - $72,500]
Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for $72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

03/25/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Rules Committee.

130279 [Settlement of Lawsuit - Willis v. CCSF, et al. - $210,000]
Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for $210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

03/25/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

130273 [Accept In Kind Gift - Technical Assistance - $250,000]
Resolution authorizing the Office of the District Attorney to retroactively accept an in kind gift of technical assistance valued at $250,000 from the Open Society Foundation for the grant period of January 1, 2013, through June 30, 2015. (District Attorney)

03/19/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130274 [Accept Gift - Design Services and Furniture - $26,445.43]
Resolution authorizing the Office of the District Attorney to retroactively accept a gift of design services and furniture, valued at a total of $26,445.43 from various donors. (District Attorney)
(Supervisors Mar and Avalos dissented in Committee.)

03/25/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130277 [Agreement - Engineered Arresting Systems Corporation - Not to Exceed $40,000,000]
Resolution authorizing the Office of Contract Administration and Purchaser to enter into the Agreement between the Airport Commission and Engineered Arresting Systems Corporation for the not to exceed amount of $40,000,000 for the purchase of an Engineered Material Arresting System for the San Francisco International Airport Runway Safety Area Program. (Airport Commission)
(Fiscal Impact)

03/19/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

In Memoriams

Tanya Joan Madfes - Supervisor Yee
Juan Trasviña - Supervisors Avalos, Campos, Chiu
Pearlie Coleman - Supervisor Breed
Jacob Valdiviezo - Entire Board
Bessie Fong - Entire Board
Alex Fraser Peer - Supervisor Tang

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:24 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

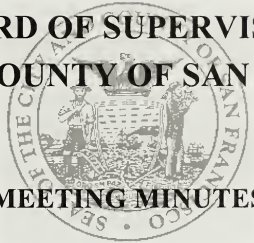
Approved by the Board of Supervisors on May 7, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors. Ray Hartz submitted the following additional information during Public Comment as follows: On the screen is a referral to this BOS regarding the "Public Library's Failure to Respond to Requests to Identify Expenditure Documents." City Librarian Luis Herrera is specifically identified as the person who failed to comply. Mr. Herrera has used his position to withhold public records and to direct other City employees to do the same. He has violated not only the Sunshine Ordinance but also CPRA and has directed other City employees to act in violation of both laws. At no time did Mr. Herrera even attempt to justify his actions or directions. For 20 months he has simply refused to produce documents he knew he had a legal obligation to produce. The critical paragraph of this referral reads: "The Task Force recommends that the Board of Supervisors investigate the Libraries documentation of its expenditure of Friends' funds." This is the driving force behind all these violations of law.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO



MEETING MINUTES

Tuesday, April 9, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Yee, moved to approve the Board Meeting Minutes of March 5, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

121004 [Planning Code - Market Street Masonry Historic District]
Sponsors: Kim; Breed and Campos

Ordinance amending the Planning Code, by adding a new Appendix M to Article 10 (Preservation of Historical, Architectural, and Aesthetic Landmarks), to create the Market Street Masonry Historic District, a discontiguous landmark historic district; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

Ordinance No. 064-13

FINALLY PASSED

130018 **[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District]**

Sponsor: Avalos

Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Ordinance No. 065-13

FINALLY PASSED

130119 **[Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]**

Sponsors: Mayor; Chiu, Wiener, Yee, Farrell, Breed, Mar, Tang and Cohen

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

Ordinance No. 066-13

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendation of the Budget and Finance Committee

130283 [Appropriation - Surplus Revenues, Expenditures, City Reserve for State Revenue Loss, and General Fund Reserve of $44,857,000 Supporting Shortfalls - FY2012-2013]

Sponsor: Mayor

Ordinance appropriating $37,467,454 in the Department of Public Health, including $3,092,849 of General Fund Reserves, $8,410,605 of the City Reserves for State Revenue Loss, and $2,600,000 from Community Mental Health Services; surplus hospital revenues of $6,504,000 in General Hospital, $12,560,000 of Laguna Honda Hospital Revenues, and $4,300,000 of Laguna Honda Hospital Reserve for Debt Service (Senate Bill 1128) revenues are recognized, as well as expenditure reductions of $7,389,546 and additional expenditures of $34,520,000 at San Francisco General Hospital, and $10,337,000 at Laguna Honda Hospital.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Sub-Committee

130221 [Payment of Reward to Doe One - $250,000]

Sponsor: Mayor

Ordinance authorizing payment of a $250,000 reward to Doe One for supplying information leading to the arrest and conviction of the perpetrator who murdered Willie Allen.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

121192 [Airport Concession Lease - Host International, Inc. - $733,176 Minimum Annual Guarantee]

Resolution approving the International Terminal and Terminal 3 Newsstands/Café Lease between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a ten year term with a minimum annual guarantee of $733,176. (Airport Commission)

Resolution No. 102-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130265 [Issuance of Tax-Exempt Obligation - French American International School - Not to Exceed $6,500,000]
Sponsor: Breed
Resolution approving, in accordance with Internal Revenue Code Section 147(f), the issuance of a tax-exempt revenue obligation by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $6,500,000 to finance various capital facilities owned by the French American International School.

Resolution No. 103-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130085 [Administrative Code - Establishing San Francisco City Hall Preservation Fund]
Sponsor: Farrell
Ordinance amending the Administrative Code, by adding Section 10.100-289, to establish a San Francisco City Hall Preservation Fund to receive donations and to authorize expenditures for the purpose of promoting the 100th anniversary of San Francisco City Hall, including promotional events, community outreach activities, preservation, maintenance, repair, improvements, and similar post-anniversary endeavors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130150 [Accept and Expend Grant - Used Motor Oil Recycling - $229,123]
Sponsor: Mar
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $229,123 from the California Department of Resources Recycling and Recovery for the purpose of increasing used motor oil recycling and household hazardous waste management for the period of April 30, 2013, through June 30, 2014.

Resolution No. 104-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Government Audit and Oversight Committee

121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]
Sponsors: Mayor; Chiu
Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130183 [Accept and Expend Grant - FY2012 Second Chance Act Juvenile Offender Reentry Program and Amendment to the Annual Salary Ordinance, FY2012-2013 - $461,166]
Sponsor: Breed

Ordinance authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $461,166 from the Office of Justice Programs for the United States Department of Justice for funding under the FY2012 Second Chance Act Juvenile Offender Reentry Program (Second Chance grant award); and amending Ordinance No. 165-12 (Annual Salary Ordinance, FY2012-2013 and FY2013-2014) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.4 FTE) at JPD.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee

120474 [Planning, Administrative Codes - Transfer of Development Rights]
Sponsor: Chiu

Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to Members of the Southeast Community Response Network in recognition of their accomplishments and continued community support. Police Chief Greg Suhr shared in this commendation.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Cori Cruz of the Department of Emergency Management in recognition of her receiving the 911 'Dispatcher of the Year' Award.

Supervisor Mar was noted absent at 2:42 p.m. for the remainder of the meeting.

SPECIAL ORDER 3:00 P.M.

130213 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 611 Buena Vista West Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated October 18, 2012, that a project located at 611 Buena Vista West Avenue, Assessor's Block No. 2603, Lot No. 004. (Building Permit Application No. 2011.05.04.5332) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed work involves a vertical addition to an existing single-family house within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District. (District 8) (Appellants: Susan Brandt-Hawley, on behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtiv) (Filed February 25, 2013).

The President inquired as to whether any member of the public wished to address the Board. Susan Brandt-Hawley (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Matt Lowell; Tim Stewart; Walter Paulson; Male Speaker; Liam Lee; Rose; Susan Allen; Stacy Edwards, Otto Duffy; Larry Juicye Edwards; spoke in support of the appeal. Tina Tam and Sarah Jones (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Anna Shimko and Cass Smith (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Stephanie/Martin; Male Speaker; Male Speaker; Lucia Wells; Kevin Wells; Male Speaker; Madeleine; Male Speaker; Josh Davis; spoke in support of the project and in opposition to the appeal. Susan Brandt-Hawley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

Supervisor Campos was noted absent at 4:23 p.m. and noted present at 4:30 p.m.

Supervisor Mar Excused from Voting

Supervisor Farrell, seconded by Supervisor Campos, moved that Supervisor Mar be excused from voting on File Nos. 130214, 130215, and 130216. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130214 [Affirming the Exemption Determination - 611 Buena Vista West Avenue]

Motion affirming the determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Motion No. M13-053

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130215 [Reversing the Exemption Determination - 611 Buena Vista West Avenue]
Motion reversing the determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130216 [Preparation of Findings to Reverse the Exemption Determination - 611 Buena Vista West Avenue]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Keith Gibbins; expressed concerns relating to funding for Laguna Honda.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to public comment and open government. (See additional information submitted on Page 11.)
Jane Kennedy; expressed concerns relating to underground utilities.
Eugene Gordon, Jr.; expressed various concerns.
Karen Joyer (SEIU); spoke in support of Equal Pay Day.
Male Speaker; expressed various religious concerns.
Michael Russom; spoke relating to proposed CEQA legislation.
Rose Hilton; spoke relating to proposed CEQA legislation.
Walter Paulson; shared in song certain concerns with the Board.
Tom Gilberty; expressed various concerns relating to public comment and noise pollution.
Edmond Juicye; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Douglas Yepp; expressed concerns relating to residency of elected officials.
Otto Duffy; expressed concerns relating to cancellation of Blue Angels and safety.
Charles Pitts; expressed concerns relating to Arnett Watson apartments.

Supervisor Farrell was noted absent at 3:39 p.m. and noted present at 3:56 p.m.
Supervisor Yee was noted absent at 3:48 p.m. and noted present at 3:57 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130302 **[Supporting Assembly Bills 218 and 870 - Expansion of California's Fair Hiring Policies to Cities, Counties, State Agencies, Special Districts, and Private Employers That Contract with State Agencies]**
Sponsors: Kim; Avalos, Campos, Cohen and Mar
Resolution supporting Assembly Bill 218, which expands California's existing fair hiring policies for state and public employees to city and county workers statewide, and Assembly Bill 870, which expands California's existing fair hiring policies to private employers that contract with the State.

Supervisor Mar requested to be added as a co-sponsor.

Resolution No. 105-13

ADOPTED

130304 **[Urging City Departments to Release Data to Help Prevent Towing]**
Sponsors: Chiu; Mar and Campos
Resolution urging City departments to release data that would enable the development of applications and other tools to help San Francisco residents and visitors avoid getting towed.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 106-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 130305 be severed so that it may be considered separately.

130305 **[Equal Pay Day - April 9, 2013]**
Sponsors: Cohen; Chiu, Avalos, Mar, Kim and Campos
Resolution declaring April 9, 2013, as Equal Pay Day in the City and County of San Francisco.

Supervisors Kim and Campos requested to be added as co-sponsors.

Resolution No. 107-13

ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]
Sponsors: Kim; Campos, Avalos and Mar
Ordinance amending Administrative Code, Chapter 31, to provide for appeals under the California Environmental Quality Act to the Board of Supervisors of environmental impact reports, negative declarations, exemption determinations, and determinations on modified projects; to clarify and update existing Chapter 31 procedures, including without limitation: to provide for the Planning Department or Planning Commission to approve all exemption determinations; to require the Planning Department to establish an electronic notification system; to expand noticing of exempt projects; to require new noticing when filing notices of exemption and notices of determination; to revise noticing of negative declarations and environmental impact reports for plans of 20 acres or more; to provide an expanded role for the Historic Preservation Commission; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

03/20/13; REFERRED TO DEPARTMENT.

04/09/13; SUBSTITUTED, AND ASSIGNED to Land Use and Economic Development Committee.

130318 [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]
Sponsor: Cohen
Ordinance amending the Transportation Code, Division I, Section 4.4, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the $1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2013, through May 31, 2023, and making environmental findings.
(Fiscal Impact)

04/09/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

Resolutions

130319 [Multifamily Housing Revenue Bonds - Western Park Apartments - 1280 Laguna Street - Not to Exceed $25,000,000]

Sponsor: Breed

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $25,000,000 for Western Park Apartments, 1280 Laguna Street, San Francisco, California 94115; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $25,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130320 [The Year of the Child - 2013]

Sponsors: Mar; Cohen, Yee, Chiu and Campos

Resolution declaring 2013 as "The Year of the Child" in the City and County of San Francisco.

04/09/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

130317 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

04/09/13; RECEIVED AND ASSIGNED to Board of Supervisors.

Requests for Hearing

130321 [Hearing - Golden State Warriors Development Project Design - Piers 30-32 and Seawall Lot 330]
Sponsor: Kim
Hearing to consider the revised project design of the proposed Golden State Warriors development on Piers 30-32 and Seawall Lot 330.

04/09/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130322 [Hearing - City's Multiple Mobile Radio Systems, Projects, and Budgets]
Sponsors: Chiu; Farrell
Hearing on the City's multiple mobile radio systems, projects, and budgets.

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130323 [Hearing - Electronic Surveillance as a Condition of Licensing - California Department of Alcoholic Beverage Control]
Sponsors: Campos; Wiener
Hearing to discuss electronic surveillance as a recommended condition of licensing to the California Department of Alcoholic Beverage Control for establishments serving alcohol.

04/09/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

Introduced by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130296 [Improvements - Mission Bay South Park P10]
Ordinance dedicating City property, within portions of State Trust Parcel 2, known as Mission Bay Park P10, lying along Mission Bay Circle and Mission Bay Drive as open public right-of-way and naming the new park Mission Bay Park P10; accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the General Plan, priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

04/01/13; RECEIVED FROM DEPARTMENT.

04/09/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130297 [Improvements - Mission Bay Drive Extension Public Infrastructure]
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with the Mission Bay Drive Extension, including acquisition facilities on Mission Bay Drive, Mission Bay Circle, and a portion of Owens Street; accepting additional property on a portion of Owens Street; declaring City property and additional property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the General Plan, eight priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

04/01/13; RECEIVED FROM DEPARTMENT.

04/09/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

130187 [Annual Fundraising Drive - 2013]
Resolution designating those agencies qualified to participate in the 2013 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

03/29/13; RECEIVED FROM DEPARTMENT.

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130295 [Lease Renewal and Amendment - Real Property at 1390 Market Street - BRCP 1390 Market, LLC - $82,818.07 monthly]
Resolution authorizing the five-year renewal and amendment of a lease of approximately 27,826 square feet of space at 1390 Market Street with BRCP 1390 Market, LLC, as Landlord, for use by the Department of Public Health at the monthly cost of $82,818.07 for the period of November 30, 2013, through November 30, 2018. (Real Estate Department)
(Fiscal Impact)

03/28/13; RECEIVED FROM DEPARTMENT.

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Request Granted

From: Supervisors Chiu and Cohen
To: Budget and Legislative Analyst
Requesting/Inquiring: Requesting the Budget and Legislative Analyst's office to provide the Board of Supervisors with an update of the 2007 management audit of San Francisco's workforce development programs.

While San Francisco's overall unemployment rate has been an encouraging indicator of our city's knowledge-based and technology-driven economy, we have all witnessed the reality and impact of a growing skills-to-jobs gap among residents. This gap has been particularly challenging for San Franciscans who face profound employment barriers due to a lack of educational and literacy opportunities, limited English proficiency, disability or ex-offender status.

In San Francisco, there has been a significant network of Federal, State, and locally-funded workforce development programs intended to assist residents with employment barriers in gaining the skills and training they need in order to join the workforce. In FY 2006-2007, when these programs were estimated to cost at least $29M, the Mayor and Board of Supervisors authorized the creation of the Office of Workforce Development, which was to serve as the local oversight and policy-making body for this vast network, including coordinating all City departments and resources connected to workforce development.

We have heard from a number of community and workforce stakeholders that the City's current workforce system continues to be too fragmented despite significant progress since the Office of Workforce Development was created. Currently, there are over 15 departments that have workforce development programs of some sort, and the authority for many of these programs remains entirely within the departments. There has been relatively little coordination and no standard performance outcomes across many of the departments. Further, there has been inadequate Citywide-level information about total funding, staffing levels, and contract data.

We are writing to request your office's assistance in understanding the state of the current workforce development system, as well in shaping recommendations for its improvement. In 2007, at the time with the City began the process of consolidating workforce system as mentioned above, the Budget and Legislative Analyst prepared an in-depth management audit of San Francisco's workforce development programs. We are asking that your office provide the Board of Supervisors with an update of this audit, and in particular the implementation status of its recommendations.

We look forward to hearing back from you regarding this request. Please contact Catherine Rauschuber, the staff lead in Supervisor Chiu's office on workforce development issues, for questions at 415-378-7025 or Catherine.Rauschuber@sfgov.org.

In Memoriams

Dominic Sarrif Crawford - Supervisor Breed
Mabel Soo - Supervisors Chiu, Cohen, Wiener and Yee
Kathryn Campbell - Supervisor Cohen
Vivian Steuben - Supervisor Cohen

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:06 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 14, 2013.

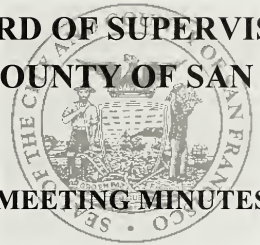
Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: Members of this BOS should be truly embarrassed by the fact that a citizen of San Francisco has to read the law to you in order to make public comment without interruption. On March 26, as I was addressing this board regarding the practices of your clerk, Board President David Chiu interrupted me. He did so without any good-faith belief that my comments were inappropriate. He did so in violation of the Sunshine Ordinance that my comments were inappropriate. He did so in violation of the Sunshine Ordinance section that I just quoted. Despite stealing my time, interrupting my train of thought, and forcing me to tell him something he certainly knew, the clerk then cut me off midsentence! It is bad enough that this BOS steals a full minute from each and every citizen who wishes to talk with you. Three minutes is the legal intent!!! The practices of the presiding officer and the clerk which violate the law are beyond the pale!

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO



MEETING MINUTES

GOVERNMENT DOCUMENTS DEPT
APR -7 2014
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, April 16, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Breed, moved to approve the Board Meeting Minutes of March 12, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

130221 [Payment of Reward to Doe One - $250,000]
Sponsor: Mayor
Ordinance authorizing payment of a $250,000 reward to Doe One for supplying information leading to the arrest and conviction of the perpetrator who murdered Willie Allen.
(Fiscal Impact)

Ordinance No. 072-13

FINALLY PASSED

130085 [Administrative Code - Establishing San Francisco City Hall Preservation Fund]
Sponsor: Farrell
Ordinance amending the Administrative Code, by adding Section 10.100-289, to establish a San Francisco City Hall Preservation Fund to receive donations and to authorize expenditures for the purpose of promoting the 100th anniversary of San Francisco City Hall, including promotional events, community outreach activities, preservation, maintenance, repair, improvements, and similar post-anniversary endeavors.

Ordinance No. 070-13

FINALLY PASSED

Recommendation of the Budget and Finance Committee

130283 [Appropriation - Surplus Revenues, Expenditures, City Reserve for State Revenue Loss, and General Fund Reserve of $44,857,000 Supporting Shortfalls - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $37,467,454 in the Department of Public Health, including $3,092,849 of General Fund Reserves, $8,410,605 of the City Reserves for State Revenue Loss, and $2,600,000 from Community Mental Health Services; surplus hospital revenues of $6,504,000 in General Hospital, $12,560,000 of Laguna Honda Hospital Revenues, and $4,300,000 of Laguna Honda Hospital Reserve for Debt Service (Senate Bill 1128) revenues are recognized, as well as expenditure reductions of $7,389,546 and additional expenditures of $34,520,000 at San Francisco General Hospital, and $10,337,000 at Laguna Honda Hospital.
(Fiscal Impact)

Ordinance No. 067-13

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]
Sponsors: Mayor; Chiu
Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

Ordinance No. 069-13

FINALLY PASSED

130183 [Accept and Expend Grant - FY2012 Second Chance Act Juvenile Offender Reentry Program and Amendment to the Annual Salary Ordinance, FY2012-2013 - $461,166]
Sponsor: Breed
Ordinance authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $461,166 from the Office of Justice Programs for the United States Department of Justice for funding under the FY2012 Second Chance Act Juvenile Offender Reentry Program (Second Chance grant award); and amending Ordinance No. 165-12 (Annual Salary Ordinance, FY2012-2013 and FY2013-2014) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.4 FTE) at JPD.
(Fiscal Impact)

Ordinance No. 071-13

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

120474 [Planning, Administrative Codes - Transfer of Development Rights]
Sponsor: Chiu
Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Ordinance No. 068-13

FINALLY PASSED

Recommendations of the Rules Committee

130071 [Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - $95,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for $95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130167 [Settlement of Lawsuit - Jane Martin, et al. - $1,748,840.74]
Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for $1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130278 [Settlement of Lawsuit - Dadario v. CCSF - $72,500]
Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for $72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130279 [Settlement of Lawsuit - Willis v. CCSF, et al. - $210,000]
Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for $210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130220 [Settlement of Claim - Roman Carrasco - $42,000]
Resolution approving the settlement of the unlitigated claim filed by Roman Carrasco against the City and County of San Francisco for $42,000; claim was filed on August 1, 2012. (City Attorney's Office)

Resolution No. 114-13

ADOPTED

130171 [Appointments, Pedestrian Safety Advisory Committee - Robin Brasso and Sonja Kos]
Motion appointing Robin Brasso and Sonja Kos, terms ending March 28, 2015, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)

Motion No. M13-054

APPROVED

130282 [Appointment, Graffiti Advisory Board - Jonathan Goldberg]
Motion appointing Jonathan Goldberg, term ending April 10, 2015, to the Graffiti Advisory Board. (Clerk of the Board)

Motion No. M13-055

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Severed from the Consent Agenda

Supervisor Chiu requested that File No. 130301 be severed so that it may be considered separately.

Recommendation of the Land Use and Economic Development Committee

130301 [Approval to Grant Subsurface Easement for Tiebacks in the City and County of San Francisco required for the Chinese Hospital Replacement Project – Assessor's Parcel Number Block 192, Lot 035]

Sponsor: Chiu

Resolution approving the grant of a Tieback Subsurface Easement on Assessor's Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the Chinese Hospital Replacement Project; adopting findings that the grant of subsurface easement is consistent with the General Plan and the priority policies of Planning Code, Section 101.1, and environmental findings; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

Supervisor Chiu, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 118-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Neighborhood Services and Safety Committee

130033 [Liquor License - 555 Howard Street, #102]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Steven Chen for SharChen Golf, Inc., dba Eagle Club Indoor Golf, located at 555 Howard Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 111-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

121038 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]

Resolution approving the acquisition of thirty Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; adopting findings that the project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)
(Fiscal Impact)

Resolution No. 109-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130285 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]

Sponsors: Farrell; Chiu, Cohen, Wiener, Yee, Kim, Mar, Breed, Tang and Campos

Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.

Supervisors Tang and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130287 [Issuance of Tax-Exempt Obligations - Progress Foundation - Not to Exceed $9,000,000]

Sponsor: Farrell

Resolution approving the issuance of tax-exempt obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed $9,000,000 to finance and refinance various capital facilities owned by Progress Foundation.

Resolution No. 117-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Committee

130275 [Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of $4,384,994 Supporting Shortfalls - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $3,568,579 in the Sheriff's Department, including $3,277,905 from General Reserve and $290,674 from State Disability Claim Reimbursement in the amount of $1,189,268 for Worker's Compensation Expense, $3,195,726 for overtime expenditures, and $538,690 for reduction of revenues; including revenue de-appropriation of $538,690 for reduction of State revenues and expenditure de-appropriation of $1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for $3,195,726 of this request.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130228 [Ten-Year Capital Expenditure Plan - FY2013-2014 through FY2022-2023]
Sponsors: Mayor; Chiu and Campos
Resolution adopting the City's Ten-Year Capital Expenditure Plan for FY2013-2014 through FY2022-2023 pursuant to Administrative Code, Section 3.20.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 115-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130230 [5-Year Information and Communication Technology Plan - FY2013-2014 through FY2017-2018]
Sponsors: Mayor; Chiu and Campos
Resolution adopting the City's 5-Year Information and Communication Technology Plan for FY2013-2014 through FY2017-2018 pursuant to Administrative Code, Section 22A.6.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 116-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee

121065 [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]
Sponsor: Chiu

Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

From the Land Use and Economic Development Committee with a Recommendation of "Do Not Pass"

120458 [General Plan - Van Ness Area Plan Amendments - California Pacific Medical Center: Cathedral Hill Campus]

Ordinance amending the General Plan, Van Ness Area Plan, in order to facilitate the development of a high density medical center at the transit nexus of Van Ness Avenue and Geary Boulevard and reflect various elements of this use; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:

Noes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120459 [General Plan Map - California Pacific Medical Center: St. Luke's Campus]

Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to increase the height limit for the California Pacific Medical Center's St. Luke's Campus (Assessor's Parcel Block No. 6575/Lot Nos. 001, 002; Assessor's Parcel Block No. 6576/Lot No. 021, and the portion of San Jose Avenue between Cesar Chavez Street and 27th Street) to 105 feet; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 227' and 270', respectively, for the St. Luke's Replacement Hospital site and 204' and 228', respectively, for the medical office building site at the St. Luke's Campus; and adopting findings, including environmental findings, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:

Noes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120460 **[General Plan Map - California Pacific Medical Center: Cathedral Hill Campus]**
Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to allow for development up to a height of 265 feet on the block bounded by Van Ness Avenue, Geary Boulevard, Franklin and Post Streets; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 385' and 466', respectively, for the Cathedral Hill Hospital site, and 265' and 290', respectively, for the Cathedral Hill Medical Office Building site; amending Map 1 of the Van Ness Area Plan, to designate the sites of the proposed Cathedral Hill Hospital and Medical Office Building as the Van Ness Medical Use Subdistrict; amending Map 2 of the Van Ness Area Plan to create a 265-V height/bulk district coterminous with the Hospital site; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:

Noes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Neighborhood Services and Safety Committee

120961 **[Liquor License - 543-2nd Street]**
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Dion Cheng and Rachel Cheng for Zaza Spa, located at 543-2nd Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 108-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

121082 **[Liquor License - 57 New Montgomery Street]**
Resolution determining that the issuance of a Type 21 off-sale general license to Mokles S. Hanna for F.M. Smokes and Wines, Inc., located at 57 New Montgomery Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 110-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130067 [Liquor License Transfer - 500 Laguna Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street (District 5), to Krista Avery and Manuel Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 112-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130069 [Liquor License - 820-26th Street]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Cesar Ascarrunz for Cesar's Ballroom, located at 820-26th Street (District 10), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 113-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Mar Excused from Voting

Supervisor Farrell, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 130280. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

Recommendation of the Rules Committee

130280 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M13-056

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Yee, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Lisa Braden, Branch Library, of the Ocean View Library, on the occasion of National Library Week, in recognition of their accomplishments, and continued community support. Supervisor Kim shared in this commendation.

Supervisor Yee introduced, welcomed, and presented a Certificate of Honor to Members of the Child Care Provider Association in recognition of their accomplishments and continued community support.

Supervisors Farrell and Breed introduced, welcomed, and presented Certificates of Honor to the Women and Men's Basketball Teams of the Sacred Heart Cathedral Prep in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to open government, public records act, and SF Public Library. (See additional information on Page 15.)
Peter Warfield; expressed concerns relating to the SF Public Library.
Neil Gehani; spoke in support of establishing an electrical undergrounding task force.
Eugene Gordon, Jr.; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Diamond Dave Whitaker; shared in poem the upcoming poems under the dome.
E.K. Keith; shared in poem the upcoming poems under the dome.
Valerie Ibarra; shared in poem the upcoming poems under the dome.
Virginia Barrett; shared in poem the upcoming poems under the dome.
Bobby Cohen; shared in poem the upcoming poems under the dome.
Douglas Yepp; expressed various concerns.
L. Elizabeth Cromwell; spoke in support of establishing an electrical undergrounding task force.
Male Speaker; expressed various concerns.
Tom Gilberty; expressed various concerns relating to noise pollution.
Arthur; expressed various concerns relating to district versus at large elections.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 130320 be severed so that it may be considered separately.

130320 [The Year of the Child - 2013]
Sponsors: Mar; Cohen, Yee, Chiu and Campos
Resolution declaring 2013 as "The Year of the Child" in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Mar, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 119-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130339 [Tia Margarita Restaurant Day - April 20, 2013]
Sponsor: Mar
Resolution declaring April 20, 2013, as Tia Margarita Restaurant Day and recognizing its 50th anniversary in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 130339. There were no speakers. The President declared public comment closed.

Resolution No. 120-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

130182 [Police, Administrative Codes - Entertainment-Related Permits]
Sponsor: Wiener
Ordinance amending the Police Code to clarify permit requirements and procedures, as well as to expand suspension, citation, and enforcement provisions regarding Entertainment Commission permits, including Place of Entertainment Permits, Limited Live Performance Permits, Temporary Place of Entertainment Permits, Temporary Limited Live Performance Permits, Extended-Hours Premises Permits, and Temporary Extended-Hours Premises Permits, and noise limits and standards; amending the Administrative Code to clarify fee setting and reporting procedures; and making environmental findings.

02/26/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2013.

03/05/13; REFERRED TO DEPARTMENT.

03/08/13; RESPONSE RECEIVED.

04/16/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130340 [Park Code - Farmers' Market Permits]
Sponsor: Wiener
Ordinance amending Park Code, Section 7.21, to authorize Farmers' Markets on Recreation and Park Department property to operate more than once a week, and specifying the applicable permit fee; and making environmental findings.

04/16/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 5/16/2013.

Resolutions

130341 [Real Property Acquisition - Park Purposes - 3861-24th Street - $4,242,510]
Sponsor: Wiener
Resolution authorizing the acquisition of real property at 3861-24th Street, Assessor's Parcel Block No. 6509, Lot No. 040, for $4,242,510 for park purposes, from the Noe Valley Ministry PCUSA; finding that the proposed transaction is in conformance with the City's General Plan and the priority policies of Planning Code, Section 101.1, and categorically exempt from environmental review as under the California Environmental Quality Act.
(Fiscal Impact)

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130342 [Lease Amendment - Master Bike Rental Concession - ParkWide Activities, LLC]
Sponsors: Breed; Mar
Resolution authorizing the execution of a first amendment to the lease between the Recreation and Park Department and ParkWide Activities, LLC, for the operation of a master bike rental concession in City parks, for the period of August 17, 2011, through August 16, 2016.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130343 [Accept and Expend Grant - San Francisco Covered California Initiative - $568,800]
Sponsor: Mayor
Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of $568,800 from the State of California to participate in a program entitled San Francisco Covered California Initiative for the period of May 1, 2013, through December 31, 2014.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130344 [Urging the California State Legislature to Pass Assembly Bill 900]
Sponsor: Chiu
Resolution urging the California State Legislature to pass Assembly Bill 900 to eliminate the reduction in Medi-Cal rates for distinct part nursing facilities included in the State budget for FY2011-2012.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130345 [Commendation - Laura Lai - Distinguished Service]
Sponsors: Chiu; Mar
Resolution commending Laura Lai for her lifetime of community activism, civil rights advocacy, and documentation of Chinese American history, and declaring April 27, 2013, as Laura Lai Day in the City and County of San Francisco.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130346 [Urging the California State Legislature to Pass Assembly Bill 336]
Sponsors: Campos; Wiener, Avalos, Mar and Yee
Resolution urging the California State Legislature to pass Assembly Bill 336, which states that possession of one or more condoms shall not be used as evidence of soliciting or engaging in prostitution in the State of California.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130347 [Urging the California State Legislature to Pass Assembly Bill 1266]
Sponsors: Campos; Wiener, Avalos, Kim and Mar
Resolution urging the California State Legislature to pass Assembly Bill 1266, the School Success and Opportunity Act.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130348 [Urging the California State Legislature to Pass Assembly Bill 580]
Sponsors: Mar; Chiu and Breed
Resolution urging the California State Legislature to pass Assembly Bill 580, to restore $75 million in annual funding to the California Arts Council.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130349 [Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]
Sponsor: Wiener
Resolution authorizing the Municipal Transportation Agency to act as the fiscal agent for $2,380,000 in funds received by the Planning Department through Metropolitan Transportation Commission Resolution No. 4035 for the implementation of the County Priority Development Area Planning and Implementation Program.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

130350 [Hearing - Security Measures for Large Public Events]
Sponsor: Mar
Hearing to receive information on security measures for large public events held in the City and County of San Francisco.

04/16/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130351 [Hearing - San Francisco International Airport - Budget Update - FY2013-2014 and FY2014-2015]
Sponsor: Farrell
Hearing to receive an update on the San Francisco International Airport budget for FY2013-2014 and FY2014-2015.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130352 [Hearing - Summer Jobs Plus Initiative and Summer School Programming]
Sponsor: Kim
Hearing to receive information from the Mayor's Office of Employment and Workforce Development, Department of Children, Youth and Their Families, and Unified School District regarding the status of Summer Jobs Plus initiative and summer school programming for public school students.

04/16/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130313 [Settlement of Lawsuit - Carlos Benavides Arroliga v. CCSF, et al. - $250,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Benavides Arroliga against the City and County of San Francisco for $250,000; the lawsuit was filed on September 13, 2011, in San Francisco Superior Court, Case No. CGC-11-514165; entitled Carlos Benavides Arroliga, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney's Office)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

130314 [Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - $80,000]
Ordinance authorizing settlement of the lawsuit by Zurich American Insurance Company, against the City and County of San Francisco for $80,000; the lawsuit was filed on January 17, 2013, in San Francisco Superior Court, Case No. CGC-13-528071; entitled Zurich American Insurance Company v. City and County of San Francisco, et al. (City Attorney's Office)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

130315 [Settlement of Lawsuit - CTIA - The Wireless Association]
Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees. (City Attorney's Office)

04/05/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

130312 [Settlement of Claim - Kerry MacRae - $275,000]
Resolution approving the settlement of the unlitigated claim filed by Kerry MacRae against the City and County of San Francisco for $275,000; claim was filed on April 27, 2012. (Public Works Department)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

In Memoriams

Robert Chrisman - Supervisor Cohen
Becky Lee - Supervisor Yee
Carlos Ramirez - Supervisors Mar and Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:08 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 21, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: Again I am discussing a referral from the SOTF to the BOS regarding City Librarian Luis Herrera. For more than 20 months Herrera has withheld public documents in his care and custody. He has directed other City employees to participate in this unlawful action. Herrera has acted knowingly and willfully to conceal public records which he had a legal obligation to produce. Herrera wanted to conceal the fact that he and the San Francisco Public Library Commission have been lying to the public regarding their knowledge of the financial dealings between the Library and the private group know as "The Friend." At the same time, Herrera has been accepting monthly payments from "The Friends" which he has failed to report as required by law. He has for years presented dceptive information to the public regardin gtens of millions of dollars raised in the name of the citizens of San Francisco.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT DOCUMENTS DEPT
APR - 7 2015
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, April 23, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 19, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

130353 [Formal Policy Discussions - April 23, 2013]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing Districts 1, 3, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. According to the 2010 census, 35.6% of San Franciscans are foreign born and City residents speak more than 28 different languages. Our City's Language Access Ordinance has been in effect since 2009 to make sure that the various needs of this population are well served. Yet, I am aware, from feedback from community groups, that our City Departments still struggle to meet the language needs of San Francisco's diverse communities. In heavily immigrant populated Districts, like the Richmond, it is critical that our City's services have the ability to serve all of our residents equitably. I am particularly concerned that our first responders and other Tier 1 Departments be in compliance with the Ordinance and recently called for a hearing to examine this issue. I would like to know what your office is doing to ensure the requirements of the Language Access Ordinance are fully met? (Supervisor Mar, District 1)

2. Mr. Mayor, my office recently implemented San Francisco's first pilot program in participatory budgeting. As practiced in 1,500 cities around the world, including Chicago and New York City, participatory budgeting is a direct democratic process in which residents decide how to spend a portion of a public budget, which leads to better and fairer decisions, makes government more accountable and efficient, builds community in our neighborhoods, and increases public confidence in how our city works. With the partnership of the Controller's Office and community groups, my office successfully managed a process that included collecting ideas proposed by residents, winnowing implementable projects, and a week of voting at locations around District 3. This year, my hope is that we can expand our participatory budget pilot beyond the modest $100,000 of funding available this year, which represents less than 1/70,000th of our annual budget. Will you join me to make San Francisco a participatory budgeting leader in the United States? (Supervisor Chiu, District 3)

3. A small area of the Oceanview, Merced Heights, and Ingleside (OMI) neighborhood has experienced a high level of gun violence and a rash of homicides over the past several years, mostly affecting African American men in the Broad Street corridor. In November, OMI residents and service providers held a public safety town hall meeting attended by many City departments, most of which committed to stepping up their work in the neighborhood. Earlier this year after a young African American man was shot at the Minnie and Lovie Ward Recreation Center playground, you and I spoke directly about creating a violence prevention plan specific to the OMI neighborhood and its African American community. Thank you for your attention to this matter. Please tell us the status of the plan to bring jobs and violence prevention and intervention resources to the OMI to address the crisis of gun violence. (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

130285 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]
Sponsors: Farrell; Chiu, Cohen, Wiener, Yee, Kim, Mar, Breed, Tang and Campos
Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.

Ordinance No. 073-13

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

130271 [Approving the 2013 Budget and Legislative Analyst Services Work Plan]
Sponsors: Chiu; Cohen
Motion approving the Budget and Legislative Analyst Services work plan for 2013, which allocates hours for Calendar Year 2013; authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2013 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

Motion No. M13-057

APPROVED

Recommendations of the Land Use and Economic Development Committee

121065 [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]
Sponsor: Chiu

Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

Ordinance No. 074-13

FINALLY PASSED

130235 [Urging the Municipal Transportation Agency to Implement a Full-Scale Bike Sharing Program by 2014]
Sponsors: Wiener; Chiu, Mar and Campos

Resolution urging the Municipal Transportation Agency to implement a full-scale bike sharing program by 2014.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 121-13

ADOPTED

Recommendations of the Rules Committee

130071 [Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for $95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 075-13

FINALLY PASSED

130167 [Settlement of Lawsuit - Jane Martin, et al. - $1,748,840.74]

Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for $1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 076-13

FINALLY PASSED

130278 [Settlement of Lawsuit - Dadario v. CCSF - $72,500]

Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for $72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 077-13

FINALLY PASSED

130279 [Settlement of Lawsuit - Willis v. CCSF, et al. - $210,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for $210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 078-13

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

130275 [Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of $4,384,994 Supporting Shortfalls - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $3,568,579 in the Sheriff's Department, including $3,277,905 from General Reserve and $290,674 from State Disability Claim Reimbursement in the amount of $1,189,268 for Worker's Compensation Expense, $3,195,726 for overtime expenditures, and $538,690 for reduction of revenues; including revenue de-appropriation of $538,690 for reduction of State revenues and expenditure de-appropriation of $1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for $3,195,726 of this request.
(Fiscal Impact)

Ordinance No. 079-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

130131 [Administrative Code - Agricultural Inspection Fees]
Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130132 [Administrative Code - Weights and Measures Fees]
Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130133 [Administrative Code - Public Health Solid Waste Penalties Fund]

Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130187 [Annual Fundraising Drive - 2013]

Resolution designating those agencies qualified to participate in the 2013 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

Resolution No. 122-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130264 [Adoption of Guidelines for the Establishment and Use of an Infrastructure Financing District on Port Land]

Sponsors: Mayor; Kim

Resolution adopting Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land Under the Jurisdiction of the San Francisco Port Commission. (Fiscal Impact)

ADOPTED by the following vote:
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Kim, seconded by Supervisor Breed, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Privilege of the floor was granted to Brad Benson (Port) who responded to questions raised throughout the discussion.

Supervisor Kim indicated amendments to the accompanying guidelines, as provided by Brad Benson (Port), included in File No. 130264.

Supervisor Kim, seconded by Supervisor Campos, moved that this Resolution be AMENDED, on Page 2, beginning on Line 3, by adding 'WHEREAS, This City policy for the use of Infrastructure Financing Districts on Port property is unique to the Port of San Francisco and does not establish a precedent for use of the Infrastructure Financing District Law elsewhere in the City and County; and'. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 123-13

ADOPTED AS AMENDED, after accepting the amendment to the accompanying guidelines, by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130267 [Contract Amendment - Transbay Transit Center Program Services - Not to Exceed $5,393,677]
Sponsor: Kim
Resolution approving the Second Amendment to Contract No. CS -159 between the Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services pursuant to Charter, Section 9.118, to increase the not to exceed amount from $3,280,677 to $5,393,677 for the period of July 21, 2009, through December 31, 2017.

Resolution No. 124-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130303 [Urging City College of San Francisco to Preserve the Quality and Diversity of the School's Education and the City to Consider New Support]
Sponsors: Mar; Cohen and Avalos
Resolution urging the City College of San Francisco (CCSF) Board of Trustees and administration to utilize Proposition A Funds, as outlined in the language of Proposition A, to preserve the quality and diversity of education that has served San Francisco well; and for the City to consider additional support for CCSF by evaluating the fees currently charged by the City to CCSF, the possibility of providing more in-kind services, and exploring long-term local support structures.

Supervisor Mar, seconded by Supervisor Cohen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 125-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

From the Budget and Finance Sub-Committee Without Recommendation

130123 [Urging the Retirement Board to Divest from Fossil Fuel Companies]
Sponsors: Avalos; Mar and Breed
Resolution urging the Retirement Board of the Employees' Retirement System to divest from publicly traded fossil fuel companies.

Supervisor Farrell, seconded by Supervisor Avalos, moved that this Resolution be AMENDED on Page 3, Line 23, through Page 4, Line 2, by deleting 'FURTHER RESOLVED, That the Board of Supervisors accepts that by divesting out of fossil fuel companies the Retirement Board may produce reduced investment returns as a result and the Board of Supervisors believes that divesting out of fossil fuel companies is an acceptable tradeoff for all current and retired City employees who are affected by the performance of the Retirement System; and, be it.' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Cohen, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, on Page 2, Line 3, by changing 'ordinance' to 'Resoluton.' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 126-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Government Audit and Oversight Committee

130179 [Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-Needed Contract Requirements In Order to Complete Design and Engineering of Bayview Opera House - $1,275,000]

Sponsor: Cohen

Ordinance waiving the as-needed contract modification not to exceed amount requirement under Administrative Code, Section 6.64, and authorizing the Director of Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot Fisch/Knapp Architects, JV by increasing the not to exceed amount by $150,000 from $1,125,000 to $1,275,000 for the limited purpose of completing the design and engineering for the Bayview Opera House project for the period of September 2, 2010, through September 1, 2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Land Use and Economic Development Committee

120901 [Planning Code - Upper Market Zoning]

Sponsor: Wiener

Ordinance amending Planning Code, Sections 721.1 and 733.1, to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; Section 703.2(b), to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; Section 733, making clerical corrections in tables; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120902 [Planning Code, Zoning Map - Upper Market Zoning Map]

Sponsor: Wiener

Ordinance amending Planning Code, Sectional Map Sheets ZN07 and HT07, to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District; change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 62-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Beth Rubenstein in recognition of her accomplishments and continued community support.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Laura Lai, Community Activist, in recognition of her accomplishments and continued community support. Supervisors Mar and Yee, Judge Steve Owyang, and Al Cheng shared in this commendation.

COMMITTEE REPORT

Recommendation of the Neighborhood Services and Safety Committee

130134 [Liquor License - 2379 Chestnut Street]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Ferris Ferdon for Ferdon Olive Oil, Inc., dba We Olive, located at 2379 Chestnut Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 127-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Dale Seymour; expressed concerns relating to job creations and Tenderloin neighborhoods.
Peter Warfield; expressed concerns relating to the SF Public Library, bullying, and clues.
Karen Lambergoon; shared in poem certain concerns with the Board.
Kelly Watts; expressed concerns relating to chemical toxins.
Jane Kennedy; spoke relating to budget town hall meetings and utility undergrounding.
Oscar James; expressed concerns relating to proposed advisory committee for Bayview Hunter's Point.
Tom Gilberty; expressed various concerns relating to noise pollution.
Tom Silmar; expressed concerns relating to corridor around 18th Street.
John DiDonna; shared in poem certain concerns with the Board.
Douglas Yepp; expressed various concerns relating to City Attorney's Office.
Keith Dennis; expressed concerns relating to assisted living.
Male Speaker; expressed various religious concerns.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

130317 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]
Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M13-058

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:50 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Persons in attendance:
Jose Cisneros, Treasurer/Tax Collector
Ben Rosenfield, Controller
Jon Givner, Deputy City Attorney
Julie Van Nostern, Deputy City Attorney
Owen Clements, Deputy City Attorney
Peter Keith, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in closed session, no action was taken, and the hearing was filed.

RECONVENING OF THE BOARD

The Board reconvened at the hour of 6:53 p.m.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Farrell, seconded by Supervisor Cohen, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130344 [Urging the California State Legislature to Pass Assembly Bill 900]
Sponsor: Chiu
Resolution urging the California State Legislature to pass Assembly Bill 900 to eliminate the reduction in Medi-Cal rates for distinct part nursing facilities included in the State budget for FY2011-2012.

Resolution No. 128-13

ADOPTED

130345 [Commendation - Laura Lai - Distinguished Service]
Sponsors: Chiu; Mar
Resolution commending Laura Lai for her lifetime of community activism, civil rights advocacy, and documentation of Chinese American history, and declaring April 27, 2013, as Laura Lai Day in the City and County of San Francisco.

Resolution No. 129-13

ADOPTED

130346 [Urging the California State Legislature to Pass Assembly Bill 336]
Sponsors: Campos; Wiener, Avalos, Mar and Yee
Resolution urging the California State Legislature to pass Assembly Bill 336, which states that possession of one or more condoms shall not be used as evidence of soliciting or engaging in prostitution in the State of California.

Resolution No. 130-13

ADOPTED

130347 [Urging the California State Legislature to Pass Assembly Bill 1266]
Sponsors: Campos; Wiener, Avalos, Kim and Mar
Resolution urging the California State Legislature to pass Assembly Bill 1266, the School Success and Opportunity Act.

Resolution No. 131-13

ADOPTED

130348 [Urging the California State Legislature to Pass Assembly Bill 580]
Sponsors: Mar; Chiu and Breed
Resolution urging the California State Legislature to pass Assembly Bill 580, to restore $75 million in annual funding to the California Arts Council.

Resolution No. 132-13

ADOPTED

130349 [Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]
Sponsor: Wiener
Resolution authorizing the Municipal Transportation Agency to act as the fiscal agent for $2,380,000 in funds received by the Planning Department through Metropolitan Transportation Commission Resolution No. 4035 for the implementation of the County Priority Development Area Planning and Implementation Program.

Resolution No. 133-13

ADOPTED

130337 [Final Map - 7044 - 5499 California Street /208 17th Avenue and 210-212, 216 17th Avenue]

Motion approving Final Map 7044, a two Lot Subdivision, Parcel A being a one residential unit and one commercial unit mixed-use condominium project and Parcel B being a three unit residential condominium project, located at 5499 California Street, 208 17th Avenue, and 210-212, 216 17th Avenue; being a subdivision of Assessor's Block No. 1417, Lot No. 031, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

Motion No. M13-059

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

130363 [Appropriation - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - $133,275,000 - FY2012-2013]

Sponsors: Mayor; Wiener, Yee, Chiu and Mar

Ordinance appropriating $133,275,000 of the Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013B, Proceeds including $122,058,097 to the Department of Public Works and $11,216,903 to the Municipal Transportation Agency for resurfacing, sidewalk, curb ramp, and street structure improvements, the redesign of street streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds. (Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

130364 [De-Appropriation and Re-Appropriation - $71,016 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $71,016 in salaries in the Public Utilities Commission, Hetch Hetchy Department, operating budget and re-appropriating $71,016 to overtime in the Public Utilities Commission, Hetch Hetchy Department operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

04/23/13; ASSIGNED to Budget and Finance Committee.

130365 [De-Appropriation and Re-Appropriation - Operating Budget Amendment of $5,096,000 and Capital Improvement Projects of $42,178,878 for Public Utilities Commission - FY2013-2014]

Sponsor: Mayor

Ordinance amending the adopted FY2013-2014 Appropriation Ordinance and other adopted biennial capital appropriation ordinances for the Public Utilities Commission, including $3,100,000 in de-appropriation and re-appropriation for the Hetch Hetchy Enterprise operating budget; de-appropriating $16,414,070 and re-appropriating $7,513,665 in capital projects in the Hetch Hetchy Capital Improvement Program projects; de-appropriating and re-appropriating $1,996,000 in the Water Enterprise operating budget; de-appropriating $70,995,900 and re-appropriating $55,169,000 in the in the Water Enterprise Capital Improvement Program projects; and de-appropriating $56,370,059 and re-appropriating $38,878,486 in the Wastewater Enterprise Capital Improvement Program.
(Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

130366 [De-Appropriation and Re-Appropriation - $250,000 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $250,000 in debt service in the Public Utilities Commission, Water Enterprise Department, operating budget, and re-appropriating $250,000 to overtime in the Public Utilities Commission, Water Enterprise Department, operating budget, in order to support the department's projected increases in overtime, as required by Board of Supervisors Ordinance No. 194-11; and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

04/23/13; ASSIGNED to Budget and Finance Committee.

130367 [De-Appropriation and Re-Appropriation - $16,546,000 to Public Utilities Commission for Expenditures - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $16,546,000 in existing Wastewater Capital Improvement Program project budgets and re-appropriating the funds to Wastewater Sewer System Improvement Program budgets adopted by the Public Utilities Commission.

04/23/13; ASSIGNED to Budget and Finance Committee.

130368 [Appropriation - Earthquake Safety and Emergency Response General Obligation Bonds, 2011, Series 2013B - $31,905,000 - FY2012-2013]

Sponsors: Mayor; Chiu

Ordinance appropriating $31,905,000 of the Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B, Proceeds to the Department of Public Works in FY2012-2013 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster; and placing these funds on Controller's Reserve pending the sale of the bonds.

04/23/13; ASSIGNED to Budget and Finance Committee.

130369 [Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements]
Sponsor: Mayor
Ordinance amending Building Code, Section 106A.3.2.4, and Health Code, Sections 1220 through 1237, and adding Section 1219, to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending Public Works Code, Article 20, to eliminate soil testing provisions; renumbering code sections in Health Code, Article 22A; and making environmental findings.
04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130370 [Appropriation and De-Appropriation - Equipment Lease Revenue Bonds, Series 2013A - $2,056,612 - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $2,056,612 of Equipment Lease Revenue Bonds, Series 2013A, Proceeds and de-appropriating $171,628 of equipment lease project to fund related financial costs for issuing Equipment Lease Revenue Bonds, Series 2013A, for Citywide Lease Equipment financing in FY2012-2013.
(Fiscal Impact)
04/23/13; ASSIGNED to Budget and Finance Committee.

130371 [Appropriation and De-Appropriation - Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A - $74,030,000 - FY2012-2013]
Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar
Ordinance appropriating $74,030,000 of the Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A, Proceeds including $55,156,304 to the Recreation and Parks Department and $18,873,696 to the Port for the renovation, repair, and construction of parks and open spaces (Proposition B) in FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.
04/23/13; ASSIGNED to Budget and Finance Committee.

130372 [Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District]
Sponsor: Cohen
Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.
04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/23/2013.

130373 [Administrative Code - Language Access Ordinance]
Sponsor: Chiu
Ordinance amending the Administrative Code to add the Ethics Commission to the list of City departments required to provide enhanced language access services.
04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

130374 [Campaign and Governmental Conduct Code - Lobbying Regulations]
Sponsor: Chiu
Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the list of reportable lobbying contacts; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about city officials who fail to file statements of economic interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

130375 [Administrative Code - City Contracting and Grant Reform]
Sponsor: Chiu
Ordinance amending the Administrative Code, Chapter 21, Sections 21.4 and 21.05, adding 21.43, relating to Contracts, and adding Chapter 21A, relating to Grants.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

Resolutions

130376 [Issuance - Equipment Lease Revenue Bonds, Series 2013A - Finance Corporation Equipment Program - Not to Exceed $12,500,000]
Sponsor: Mayor
Resolution approving the form of and authorizing execution and delivery of Equipment Lease Revenue Bonds, Series 2013A, Supplement No. 19, between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco (City), as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $12,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.
(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130377 [Sale - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed $74,030,000]

Sponsors: Mayor; Farrell, Wiener, Avalos, Kim, Chiu and Mar

Resolution authorizing and directing the sale of not to exceed $74,030,000 aggregate principal amount of City and County of San Francisco Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive Sale; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement Relating to the Sale of Said Bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130378 [Lease - Data Center Space - 3101 Gold Center Drive, Rancho Cordova, California - Initial Term of Two Years - Base Annual Rental Rate of $130,473.84]

Sponsors: Mayor; Chiu

Resolution authorizing the use of space and communication services within an existing data center located at 3101 Gold Center Drive, Rancho Cordova, California, from the State of California Technology Agency, Office of Technology Services, through an Agreement; and authorizing certain amendments and extensions to said Agreement as warranted for an initial term of two years with a base annual rental rent of $130,473.84.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130379 [Proposition J Contract - Public Utilities Commission - Certification of Specified Contracted-Out Services Previously Approved]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for night and weekend security services at Public Utilities Commission's offices on 525 Golden Gate Avenue.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130380 [Issuance - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed $195,000,000]

Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar

Resolution providing for the issuance of not to exceed $195,000,000 aggregate principal amount of Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.
(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130381 [Sale - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - Not to Exceed $133,275,000]
Sponsors: Mayor; Wiener, Yee and Mar
Resolution authorizing and directing the sale of not to exceed $133,275,000 aggregate principal amount of Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130382 [Sale - Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B - Not to Exceed $31,905,000]
Sponsors: Mayor; Chiu
Resolution authorizing and directing the sale of not to exceed $31,905,000 aggregate principal amount of Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of said bonds; Approving the Form of the Continuing Disclosure Certificate; Authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130383 [Accept and Expend Grant - Bay Area Regional Energy Network - $931,000]
Sponsor: Mar
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant of $931,000 from the Association of Bay Area Governments to perform various activities as part of a Bay Area Regional Energy Network energy efficiency program for the period of January 1, 2013, through December 31, 2014.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130384 [Airspace Lease - State of California - Property along Duboce Street, between Otis Street and Stevenson Street - SoMa West Skatepark - Initial Term of Twenty Years - Initial Monthly Base Rent $10,000]

Sponsor: Kim

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 071, and located along Duboce Street between Otis Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and an initial monthly rent of $10,000; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.
(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130385 [Airspace Lease - State of California - Property under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street - SoMa West Dog Park - Initial Term of Twenty Years - Total Base Rent $2,335,343]

Sponsor: Kim

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 074, and located under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and a total base rent of $2,335,343; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130386 [Urging the California State Senate to Pass Senate Bill 622]

Sponsors: Campos; Avalos, Mar and Kim

Resolution urging the California State Senate to pass Senate Bill 622, which would levy an excise tax of one cent ($0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.

04/23/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130387 [Urging the United States Senate to Amend Senate Bill 744 and Pass Comprehensive Immigration Reform]

Sponsors: Chiu; Campos and Kim

Resolution urging the United States Senate to amend Senate Bill 744 and pass Comprehensive Immigration Reform legislation to focus on family reunification, create a real pathway to citizenship, and be inclusive of our country's diversity.

04/23/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

130207 [Hearing - Proposition H Expenditure Plan and Reauthorization and Children's Fund Status and Reauthorization]
Sponsor: Kim
Hearing to receive updates from the Mayor's Budget Office, Controller's Office, and San Francisco Unified School District (SFUSD) on the Proposition H expenditure plan, the establishment of standardized processes for allocation of funds to SFUSD by the City, and the status of possible reauthorization of Proposition H, and an update from the Department of Children, Youth and Families on the status and possible reauthorization of the Children's Fund.

02/26/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

03/01/13; REFERRED TO DEPARTMENT.

04/23/13; SUBSTITUTED AND ASSIGNED to City and School District Select Committee.

130355 [Hearing - Public Utilities Commission - Budget Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Public Utilities Commission budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130356 [Hearing - Port - Budget Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Port budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130357 [Hearing - Municipal Transportation Agency - Budget Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Municipal Transportation Agency budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130388 [Hearing - Performance Audit - Public Safety Realignment]
Sponsor: Cohen
Hearing on the performance audit of the implementation of Public Safety Realignment.

04/23/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130389 [Hearing - Participatory Budgeting]
Sponsor: Chiu
Hearing on participatory budgeting.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCE

130336 [Settlement of Lawsuit - Rosemary Bosque - $49,505.70]
Ordinance authorizing settlement of the lawsuit filed by Rosemary Bosque against the City and County of San Francisco for $49,505.70; the lawsuit was filed on May 14, 2010 in San Francisco Superior Court, Case No. CGC-10-499909, entitled Bosque v. City and County of San Francisco. (City Attorney's Office)

04/12/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

130324 [Airport Lease Modification - United Air Lines, Inc. - Plots 16 and 16B]
Resolution approving the execution of Modification No.5 to Lease L73-0066 at Plots 16 and 16B with United Air Lines, Inc. at San Francisco International Airport to: increase the ground rent to $12,040,710.00 per year; reduce the premises by 6.53 acres of land, resulting in a modified premises of approximately 124.13 acres, together with certain rights-of-way and easements; and grant a one-time option to relinquish up to thirty percent of the land comprising the Premises and equivalent land comprising the Employee Parking. (Airport Commission)
(Fiscal Impact)

04/09/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130332 [Airport Lease and Use Agreement - China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc.]
Resolution approving the terms of 2011 Lease and Use Agreements between China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc., respectively, and the City and County of San Francisco, acting by and through its Airport Commission, for a term ending in approximately eight years and two months. (Airport Commission)

04/09/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130333 [Airport Lease Amendments - Concessions and Stores]
Resolution approving Amendment No. 2 to Boarding Area E Candy Kiosk Lease No. 08-0016 with Pacific Gateway Concessions, LLC; Terminal 3 Specialty Store Lease B No. 04-0167 with Marilla Chocolate Company; Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 3 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission for a term of five years. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130334 [Airport Lease Agreement - Pelican Communications, Inc.]
Resolution approving Amendment No. 1 to Lease No. 09-0229 with Pelican Communications, Inc., to lower rent to 20% of gross revenue for the term January 1, 2010, through December 3, 2013. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130335 [Airport Lease Amendment - Gotham Enterprises, LLC - Minimum Annual Guarantee $37,353]
Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0193 between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of $37,353, for the term of September 29, 2003, through February 23, 2017. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:57 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 4, 2013.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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MEETING MINUTES

Tuesday, April 2, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of February 26, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

121104 [Planning Code - Landmark Designation - 320-326 Judah Street (the Doelger Building)]

Sponsor: Wiener

Ordinance designating 320-326 Judah Street (the Doelger Building), Assessor's Block No. 1763, Lot Nos. 020 and 021, as a Landmark under Planning Code, Article 10; and adopting General Plan, Planning Code, Section 101.1, and environmental findings.

Ordinance No. 061-13

FINALLY PASSED

121162 [Planning Code - Inclusionary Affordable Housing Program, Updates, and Clarifications]

Sponsor: Mayor

Ordinance amending the Planning Code, Section 401, and provisions of the Inclusionary Affordable Housing Ordinance, Sections 415 et seq., to update and clarify provisions of the Inclusionary Affordable Housing Program (Program) by reducing certain on-site requirements under Charter, Section 16.110; providing a cap on rent increases; clarifying the timing of off-site developments; requiring rental units that convert to ownership to sell at less than the price for ownership units under certain circumstance; establishing pricing for affordable Single Room Occupancy units; changing the status of projects using California Debt Limit Allocation Committee tax exempt bonds so that such projects are subject to the Program, but that units may qualify as on- or off-site units under certain circumstances; allowing income levels of qualifying households to exceed those specified in certain situations; clarifying that the threshold application of the Program to projects of 10 units or more applies to the South of Market Youth and Family Special Use District and all other areas of the City; making technical clarifications and corrections; and making environmental findings and findings of consistency with the General Plan.

Ordinance No. 062-13

FINALLY PASSED

130042 [Planning Code - Medical Service Use - Sacramento Neighborhood Commercial District]

Sponsor: Farrell

Ordinance amending the Planning Code, Section 724.1, and related portions of Table 724, to permit a change of use from a business or professional service use to medical service use on the first floor or below in the Sacramento Neighborhood Commercial District; and making environmental findings, Planning Code, Section 101.1, findings, and findings of consistency with the General Plan.

Ordinance No. 063-13

FINALLY PASSED

121084 [Freeway Agreement - California Department of Transportation - State Highway Route 101, South Van Ness Avenue to Golden Gate Avenue]

Resolution adopting a freeway agreement with the California Department of Transportation (Caltrans) for a portion of State Highway Route 101 from South Van Ness Avenue to Golden Gate Avenue; and authorizing official acts related thereto. (Public Works Department)

Resolution No. 094-13

ADOPTED

Recommendations of the Rules Committee

130144 [Appointments, Citizens' General Obligation Bond Oversight Committee - Minneola Ingersoll and Jonathan Alloy]

Motion appointing Minneola Ingersoll and Jonathan Alloy, terms ending November 21, 2014, to the Citizens' General Obligation Bond Oversight Committee. (Clerk of the Board)

Motion No. M13-049

APPROVED

130145 [Appointment, Lesbian, Gay, Bisexual, and Transgender (LGBT) Seniors Task Force - Moli Steinert]
Motion appointing Moli Steinert, for an indefinite term, to the Lesbian, Gay, Bisexual, and Transgender (LGBT) Seniors Task Force. (Clerk of the Board)

Motion No. M13-050

APPROVED

130250 [Appointments, Urban Forestry Council - John Hillan, Dan Flanagan, Sandy Sherwin, William Brock Most, and Rose Hillson]
Motion appointing John Hillan, Dan Flanagan, Sandy Sherwin, William Brock Most, and Rose Hillson, terms ending November 18, 2014, to the Urban Forestry Council. (Clerk of the Board)

Motion No. M13-051

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

130185 [Appropriation - $656,958 of General Fund Reserve to the Public Defender for Salary Expenditures - FY2012-2013]
Sponsors: Campos; Avalos and Mar
Ordinance appropriating $656,958 from the General Fund Reserve to the Public Defender for salary expenditures in FY2012-2013, pursuant to Charter Section 9.113, this appropriation is subject to a two-thirds affirmative vote of all members of the Board of Supervisors.
(Fiscal Impact)

Supervisor Campos, seconded by Supervisor Cohen, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130229 [5-Year Financial Plan - FY2013-2014 through FY2017-2018]
Sponsors: Mayor; Farrell, Chiu and Cohen
Resolution adopting the City's 5-Year Financial Plan for FY2013-2014 through FY2017-2018 pursuant to Charter, Section 9.119.

Supervisor Cohen requested to be added as a co-sponsor.

Resolution No. 101-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Sub-Committee

130177 [Multifamily Housing Revenue Bonds - Broadway Sansome Apartments - Not to Exceed $23,900,000]
Sponsor: Chiu
Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed $23,900,000 for the purpose of providing financing for the acquisition and construction of a 75-unit multifamily rental housing project known as Broadway Sansome Apartments; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the forms of and authorizing the execution of certain loan documents; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters.

Resolution No. 096-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130234 [Ground Lease Amendment - 255 Broadway]
Sponsor: Chiu
Resolution approving and authorizing the Mayor's Office of Housing, as Successor Housing Agency to the Redevelopment Agency, to amend an existing term ground lease with Broadway Sansome Associates, L.P., a California limited partnership, for the development and operation of affordable housing on certain real property located at 255 Broadway and making findings that the amendments are in conformance with California Environmental Quality Act, the City's General Plan, and the priority policies of Planning Code, Section 101.1.

Resolution No. 098-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130254 [Lease Financing for Improvements - Moscone Convention Center]
Sponsor: Kim

Resolution providing for the sale of certificates of participation evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City and County of San Francisco under a Lease Agreement to finance capital projects at the Moscone Convention Center; providing for the sale of the Certificates by competitive sale; approving the form and publication of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of a Preliminary Official Statement and the form and execution of an Official Statement relating to the sale of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the execution, sale, and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact)

Resolution No. 093-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130227 [Lease - Van Ness Post Center, LLC - Law Library - 1200 Van Ness Avenue]
Sponsor: Mayor

Resolution finding that 20,000 net rentable square feet is suitable and sufficient for the Law Library; authorizing the Director of Property to enter into a lease with Van Ness Post Center, LLC, for the Law Library at 1200 Van Ness Avenue; finding that the proposed relocation of the Law Library to such space is in conformance with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing the Director of Property to find alternative comparable space if a lease with Van Ness Post Center, LLC, cannot be finalized.

Privilege of the floor was granted to John Updike, Director of Real Estate, and Jon Givner, Deputy City Attorney, who responded to questions raised throughout the discussion.

Resolution No. 097-13

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

121004 [Planning Code - Market Street Masonry Historic District]
Sponsors: Kim; Breed and Campos

Ordinance amending the Planning Code, by adding a new Appendix M to Article 10 (Preservation of Historical, Architectural, and Aesthetic Landmarks), to create the Market Street Masonry Historic District, a discontiguous landmark historic district; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130119 [Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]

Sponsors: Mayor; Chiu, Wiener, Yee, Farrell, Breed, Mar, Tang and Cohen

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

Supervisor Cohen requested to be added as a co-sponsor.

Privilege of the floor was granted to Jason Elliott (Mayor's Office) who responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Neighborhood Services and Safety Committee

121159 [Liquor License - 34 Mason Street]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Mark E. Rennie for Good Oel, Inc., dba The Beer Cafe, located at 34 Mason Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 095-13

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Yee

Noes: 1 - Wiener

130033 [Liquor License - 555 Howard Street, #102]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Steven Chen for SharChen Golf, Inc., dba Eagle Club Indoor Golf, located at 555 Howard Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Supervisor Kim, seconded by Supervisor Yee, moved that this Resolution be CONTINUED to April 16, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Rules Committee

130249 **[Appointments, Mental Health Board - Errol Wishom, Melody Daniel, Ellis Joseph, Lena Miller, and Marlene Flores]**
Motion appointing Errol Wishom, term ending January 31, 2015, and Melody Daniel, Ellis Joseph, Lena Miller, and Marlene Flores, terms ending January 31, 2016, to the Mental Health Board. (Clerk of the Board)

Motion No. M13-052

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

There were none.

COMMITTEE REPORT

Recommendation of the Land Use and Economic Development Committee

130018 **[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District]**
Sponsor: Avalos
Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to open government and public records. (See additional information submitted on Page 11.)
Ace Washington; expressed various concerns
Eugene Gordon, Jr.; expressed various concerns.
Katy Hawkins-O'Coury; expressed concerns relating to gun violence.
Jane Kennedy; expressed concerns relating to underground utilities.
Carla; shared in poem certain concerns with the Board.
Darrell Bonapart; expressed concerns relating to upcoming housing event.
Douglas Yep; expressed various concerns.
John DiDonna; shared in poem certain concerns with the Board.
Male Speaker; expressed various religious concerns.
Charlie Walker; expressed concerns relating to public comment, municipal railway on Third Street, and parking.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130288 **[Supporting San Francisco Applicants for the Deferred Action for Childhood Arrivals Program]**
Sponsors: Chiu; Campos, Yee, Wiener, Cohen, Mar, Kim and Avalos
Resolution urging the San Francisco Unified School District to coordinate efforts with City Departments to support student participation in the Deferred Action for Childhood Arrivals Program and create a centralized system to facilitate transcript requests and enrollment history verification for undocumented students and transitional aged youth.

Resolution No. 100-13

ADOPTED

130289 **[Accept and Expend Grant - Beach Water Quality and Monitoring - $25,000]**
Sponsor: Tang
Resolution authorizing the Department of Public Health to accept and expend retroactively a grant in the amount of $25,000 from the State Water Resource Control Board to participate in a program entitled "Beach Water Quality and Monitoring" for the period of October 1, 2012, through September 30, 2013, waiving indirect costs.

Resolution No. 099-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

120488 [Environment Code - Bottle Filling Stations]
Sponsor: Chiu
Ordinance amending the Environment Code, by adding Chapter 23, to require new buildings that have drinking fountains to provide bottle filling stations; setting an operative date; and making environmental and other findings.

06/26/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/26/2012.

07/11/12; REFERRED TO DEPARTMENT.

07/13/12; RESPONSE RECEIVED.

04/02/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

121019 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice Requirements]
Sponsor: Wiener
Ordinance amending Administrative Code, Chapter 31, to reflect revisions in the California Environmental Quality Act (CEQA) and to update and clarify certain procedures provided for in Chapter 31, including without limitation: codifying procedures for appeals of exemptions and negative declarations; providing for the Board of Supervisors (Board) to make the final CEQA decision on projects requiring Board legislative action, negating the need to file formal CEQA appeals; revising noticing procedures for environmental impact reports and negative declarations for plan area projects exceeding 20 acres; expanding noticing requirements for certain exempt projects; clarifying existing noticing requirements for exempt projects; and making environmental findings.

10/16/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2012.

10/29/12; REFERRED TO DEPARTMENT.

11/13/12; RESPONSE RECEIVED.

11/20/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/03/12; RESPONSE RECEIVED.

01/29/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

02/06/13; REFERRED TO DEPARTMENT.

03/18/13; RESPONSE RECEIVED.

03/27/13; RESPONSE RECEIVED.

04/02/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130299 [Appropriation and De-Appropriation - $4,072,764 for Overtime - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $4,539,012 to overtime and de-appropriating $4,539,012 consisting of $3,647,539 in permanent salaries and $891,473 in fringe benefits in the Fire Department's operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.
(Fiscal Impact)

04/02/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/2/2013.

130300 [Administrative Code - Child Care Centers for City and City-Funded Projects; Feasibility Studies]
Sponsor: Yee
Ordinance amending the Administrative Code, Sections 29B.4 and 29B.5, to transfer responsibility for Child Care Feasibility Studies from the City Administrator and the Department of Children, Youth and Their Families to the Office of Early Care and Education in the Human Services Agency, and the Child Care Facilities Interagency Committee; and making environmental findings.

04/02/13; ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Safety Committee, expires on 5/2/2013.

Resolutions

130301 [Approval to Grant Subsurface Easement for Tiebacks in the City and County of San Francisco required for the Chinese Hospital Replacement Project – Assessor's Parcel Number Block 192, Lot 035]
Sponsor: Chiu
Resolution approving the grant of a Tieback Subsurface Easement on Assessor's Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the Chinese Hospital Replacement Project; adopting findings that the grant of subsurface easement is consistent with the General Plan and the priority policies of Planning Code, Section 101.1, and environmental findings; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.
04/02/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130302 [Supporting Assembly Bills 218 and 870 - Expansion of California's Fair Hiring Policies to Cities, Counties, State Agencies, Special Districts, and Private Employers That Contract with State Agencies]
Sponsors: Kim; Avalos, Campos, Cohen and Mar
Resolution supporting Assembly Bill 218, which expands California's existing fair hiring policies for state and public employees to city and county workers statewide, and Assembly Bill 870, which expands California's existing fair hiring policies to private employers that contract with the State.
04/02/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130303 [Urging City College of San Francisco to Preserve the Quality and Diversity of the School's Education and the City to Consider New Support]
Sponsors: Mar; Cohen
Resolution urging the City College of San Francisco (CCSF) Board of Trustees and administration to utilize Proposition A Funds to preserve the quality and diversity of education that has served San Francisco well; and for the City to consider additional support for CCSF by evaluating the fees currently charged by the City to CCSF, the possibility of providing more in-kind services, and exploring long-term local support structures.
04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130304 [Urging City Departments to Release Data to Help Prevent Towing]
Sponsors: Chiu; Mar and Campos
Resolution urging City departments to release data that would enable the development of applications and other tools to help San Francisco residents and visitors avoid getting towed.
04/02/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130305 [Equal Pay Day - April 9, 2013]
Sponsors: Cohen; Chiu, Avalos, Mar, Kim and Campos
Resolution declaring April 9, 2013, as Equal Pay Day in the City and County of San Francisco.
04/02/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

130306 [Hearing - Recent Violence in the Mission and Response and Prevention Plans of City Departments and Community Organizations]
Sponsor: Campos
Hearing to review violent events in the Mission since the start of 2013, including homicides, gang violence, shootings on Muni and sexual assaults; strategic planning for prevention efforts during the upcoming summer months; and request for presentation and accounting of prevention and response efforts of community policing agencies, law enforcement agencies, and related departments.

04/02/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

Introduced by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130278 [Settlement of Lawsuit - Dadario v. CCSF - $72,500]
Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for $72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

03/25/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Rules Committee.

130279 [Settlement of Lawsuit - Willis v. CCSF, et al. - $210,000]
Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for $210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

03/25/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

130273 [Accept In Kind Gift - Technical Assistance - $250,000]
Resolution authorizing the Office of the District Attorney to retroactively accept an in kind gift of technical assistance valued at $250,000 from the Open Society Foundation for the grant period of January 1, 2013, through June 30, 2015. (District Attorney)

03/19/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130274 [Accept Gift - Design Services and Furniture - $26,445.43]
Resolution authorizing the Office of the District Attorney to retroactively accept a gift of design services and furniture, valued at a total of $26,445.43 from various donors. (District Attorney)
(Supervisors Mar and Avalos dissented in Committee.)

03/25/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130277 [Agreement - Engineered Arresting Systems Corporation - Not to Exceed $40,000,000]
Resolution authorizing the Office of Contract Administration and Purchaser to enter into the Agreement between the Airport Commission and Engineered Arresting Systems Corporation for the not to exceed amount of $40,000,000 for the purchase of an Engineered Material Arresting System for the San Francisco International Airport Runway Safety Area Program. (Airport Commission)
(Fiscal Impact)

03/19/13; RECEIVED FROM DEPARTMENT.

04/02/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

In Memoriams

Tanya Joan Madfes - Supervisor Yee
Juan Trasviña - Supervisors Avalos, Campos, Chiu
Pearlie Coleman - Supervisor Breed
Jacob Valdiviezo - Entire Board
Bessie Fong - Entire Board
Alex Fraser Peer - Supervisor Tang

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:24 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 7, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors. Ray Hartz submitted the following additional information during Public Comment as follows: On the screen is a referral to this BOS regarding the "Public Library's Failure to Respond to Requests to Identify Expenditure Documents." City Librarian Luis Herrera is specifically identified as the person who failed to comply. Mr. Herrera has used his position to withhold public records and to direct other City employees to do the same. He has violated not only the Sunshine Ordinance but also CPRA and has directed other City employees to act in violation of both laws. At no time did Mr. Herrera even attempt to justify his actions or directions. For 20 months he has simply refused to produce documents he knew he had a legal obligation to produce. The critical paragraph of this referral reads: "The Task Force recommends that the Board of Supervisors investigate the Libraries documentation of its expenditure of Friends' funds." This is the driving force behind all these violations of law.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

APR - 7 2015

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, April 9, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Yee, moved to approve the Board Meeting Minutes of March 5, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

121004 [Planning Code - Market Street Masonry Historic District]
Sponsors: Kim; Breed and Campos
Ordinance amending the Planning Code, by adding a new Appendix M to Article 10 (Preservation of Historical, Architectural, and Aesthetic Landmarks), to create the Market Street Masonry Historic District, a discontiguous landmark historic district; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

Ordinance No. 064-13

FINALLY PASSED

130018 **[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District]**

Sponsor: Avalos

Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Ordinance No. 065-13

FINALLY PASSED

130119 **[Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]**

Sponsors: Mayor; Chiu, Wiener, Yee, Farrell, Breed, Mar, Tang and Cohen

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

Ordinance No. 066-13

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendation of the Budget and Finance Committee

130283 [Appropriation - Surplus Revenues, Expenditures, City Reserve for State Revenue Loss, and General Fund Reserve of $44,857,000 Supporting Shortfalls - FY2012-2013]

Sponsor: Mayor

Ordinance appropriating $37,467,454 in the Department of Public Health, including $3,092,849 of General Fund Reserves, $8,410,605 of the City Reserves for State Revenue Loss, and $2,600,000 from Community Mental Health Services; surplus hospital revenues of $6,504,000 in General Hospital, $12,560,000 of Laguna Honda Hospital Revenues, and $4,300,000 of Laguna Honda Hospital Reserve for Debt Service (Senate Bill 1128) revenues are recognized, as well as expenditure reductions of $7,389,546 and additional expenditures of $34,520,000 at San Francisco General Hospital, and $10,337,000 at Laguna Honda Hospital.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Sub-Committee

130221 [Payment of Reward to Doe One - $250,000]

Sponsor: Mayor

Ordinance authorizing payment of a $250,000 reward to Doe One for supplying information leading to the arrest and conviction of the perpetrator who murdered Willie Allen.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

121192 [Airport Concession Lease - Host International, Inc. - $733,176 Minimum Annual Guarantee]

Resolution approving the International Terminal and Terminal 3 Newsstands/Café Lease between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a ten year term with a minimum annual guarantee of $733,176. (Airport Commission)

Resolution No. 102-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130265 [Issuance of Tax-Exempt Obligation - French American International School - Not to Exceed $6,500,000]
Sponsor: Breed
Resolution approving, in accordance with Internal Revenue Code Section 147(f), the issuance of a tax-exempt revenue obligation by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $6,500,000 to finance various capital facilities owned by the French American International School.

Resolution No. 103-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130085 [Administrative Code - Establishing San Francisco City Hall Preservation Fund]
Sponsor: Farrell
Ordinance amending the Administrative Code, by adding Section 10.100-289, to establish a San Francisco City Hall Preservation Fund to receive donations and to authorize expenditures for the purpose of promoting the 100th anniversary of San Francisco City Hall, including promotional events, community outreach activities, preservation, maintenance, repair, improvements, and similar post-anniversary endeavors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130150 [Accept and Expend Grant - Used Motor Oil Recycling - $229,123]
Sponsor: Mar
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $229,123 from the California Department of Resources Recycling and Recovery for the purpose of increasing used motor oil recycling and household hazardous waste management for the period of April 30, 2013, through June 30, 2014.

Resolution No. 104-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Government Audit and Oversight Committee

121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]
Sponsors: Mayor; Chiu
Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130183 [Accept and Expend Grant - FY2012 Second Chance Act Juvenile Offender Reentry Program and Amendment to the Annual Salary Ordinance, FY2012-2013 - $461,166]
Sponsor: Breed

Ordinance authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $461,166 from the Office of Justice Programs for the United States Department of Justice for funding under the FY2012 Second Chance Act Juvenile Offender Reentry Program (Second Chance grant award); and amending Ordinance No. 165-12 (Annual Salary Ordinance, FY2012-2013 and FY2013-2014) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.4 FTE) at JPD.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee

120474 [Planning, Administrative Codes - Transfer of Development Rights]
Sponsor: Chiu

Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to Members of the Southeast Community Response Network in recognition of their accomplishments and continued community support. Police Chief Greg Suhr shared in this commendation.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Cori Cruz of the Department of Emergency Management in recognition of her receiving the 911 'Dispatcher of the Year' Award.

Supervisor Mar was noted absent at 2:42 p.m. for the remainder of the meeting.

SPECIAL ORDER 3:00 P.M.

130213 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 611 Buena Vista West Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated October 18, 2012, that a project located at 611 Buena Vista West Avenue, Assessor's Block No. 2603, Lot No. 004. (Building Permit Application No. 2011.05.04.5332) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed work involves a vertical addition to an existing single-family house within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District. (District 8) (Appellants: Susan Brandt-Hawley, on behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtiv) (Filed February 25, 2013).

The President inquired as to whether any member of the public wished to address the Board. Susan Brandt-Hawley (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Matt Lowell; Tim Stewart; Walter Paulson; Male Speaker; Liam Lee; Rose; Susan Allen; Stacy Edwards, Otto Duffy; Larry Juicye Edwards; spoke in support of the appeal. Tina Tam and Sarah Jones (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Anna Shimko and Cass Smith (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Stephanie/Martin; Male Speaker; Male Speaker; Lucia Wells; Kevin Wells; Male Speaker; Madeleine; Male Speaker; Josh Davis; spoke in support of the project and in opposition to the appeal. Susan Brandt-Hawley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

Supervisor Campos was noted absent at 4:23 p.m. and noted present at 4:30 p.m.

Supervisor Mar Excused from Voting

Supervisor Farrell, seconded by Supervisor Campos, moved that Supervisor Mar be excused from voting on File Nos. 130214, 130215, and 130216. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130214 [Affirming the Exemption Determination - 611 Buena Vista West Avenue]

Motion affirming the determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Motion No. M13-053

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130215 [Reversing the Exemption Determination - 611 Buena Vista West Avenue]
Motion reversing the determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130216 [Preparation of Findings to Reverse the Exemption Determination - 611 Buena Vista West Avenue]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Keith Gibbins; expressed concerns relating to funding for Laguna Honda.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to public comment and open government. (See additional information submitted on Page 11.)
Jane Kennedy; expressed concerns relating to underground utilities.
Eugene Gordon, Jr.; expressed various concerns.
Karen Joyer (SEIU); spoke in support of Equal Pay Day.
Male Speaker; expressed various religious concerns.
Michael Russom; spoke relating to proposed CEQA legislation.
Rose Hilton; spoke relating to proposed CEQA legislation.
Walter Paulson; shared in song certain concerns with the Board.
Tom Gilberty; expressed various concerns relating to public comment and noise pollution.
Edmond Juicye; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Douglas Yepp; expressed concerns relating to residency of elected officials.
Otto Duffy; expressed concerns relating to cancellation of Blue Angels and safety.
Charles Pitts; expressed concerns relating to Arnett Watson apartments.

Supervisor Farrell was noted absent at 3:39 p.m. and noted present at 3:56 p.m.
Supervisor Yee was noted absent at 3:48 p.m. and noted present at 3:57 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130302 **[Supporting Assembly Bills 218 and 870 - Expansion of California's Fair Hiring Policies to Cities, Counties, State Agencies, Special Districts, and Private Employers That Contract with State Agencies]**
Sponsors: Kim; Avalos, Campos, Cohen and Mar
Resolution supporting Assembly Bill 218, which expands California's existing fair hiring policies for state and public employees to city and county workers statewide, and Assembly Bill 870, which expands California's existing fair hiring policies to private employers that contract with the State.

Supervisor Mar requested to be added as a co-sponsor.

Resolution No. 105-13

ADOPTED

130304 **[Urging City Departments to Release Data to Help Prevent Towing]**
Sponsors: Chiu; Mar and Campos
Resolution urging City departments to release data that would enable the development of applications and other tools to help San Francisco residents and visitors avoid getting towed.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 106-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 130305 be severed so that it may be considered separately.

130305 **[Equal Pay Day - April 9, 2013]**
Sponsors: Cohen; Chiu, Avalos, Mar, Kim and Campos
Resolution declaring April 9, 2013, as Equal Pay Day in the City and County of San Francisco.

Supervisors Kim and Campos requested to be added as co-sponsors.

Resolution No. 107-13

ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

IMPERATIVE AGENDA

There were no items.

130215 [Reversing the Exemption Determination - 611 Buena Vista West Avenue]
Motion reversing the determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

130216 [Preparation of Findings to Reverse the Exemption Determination - 611 Buena Vista West Avenue]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 611 Buena Vista West Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Excused: 1 - Mar

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
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Charles Pitts; expressed concerns relating to Arnett Watson apartments.

Supervisor Farrell was noted absent at 3:39 p.m. and noted present at 3:56 p.m.
Supervisor Yee was noted absent at 3:48 p.m. and noted present at 3:57 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130302 **[Supporting Assembly Bills 218 and 870 - Expansion of California's Fair Hiring Policies to Cities, Counties, State Agencies, Special Districts, and Private Employers That Contract with State Agencies]**
Sponsors: Kim; Avalos, Campos, Cohen and Mar
Resolution supporting Assembly Bill 218, which expands California's existing fair hiring policies for state and public employees to city and county workers statewide, and Assembly Bill 870, which expands California's existing fair hiring policies to private employers that contract with the State.

Supervisor Mar requested to be added as a co-sponsor.

Resolution No. 105-13

ADOPTED

130304 **[Urging City Departments to Release Data to Help Prevent Towing]**
Sponsors: Chiu; Mar and Campos
Resolution urging City departments to release data that would enable the development of applications and other tools to help San Francisco residents and visitors avoid getting towed.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 106-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 130305 be severed so that it may be considered separately.

130305 **[Equal Pay Day - April 9, 2013]**
Sponsors: Cohen; Chiu, Avalos, Mar, Kim and Campos
Resolution declaring April 9, 2013, as Equal Pay Day in the City and County of San Francisco.

Supervisors Kim and Campos requested to be added as co-sponsors.

Resolution No. 107-13

ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]
Sponsors: Kim; Campos, Avalos and Mar
Ordinance amending Administrative Code, Chapter 31, to provide for appeals under the California Environmental Quality Act to the Board of Supervisors of environmental impact reports, negative declarations, exemption determinations, and determinations on modified projects; to clarify and update existing Chapter 31 procedures, including without limitation: to provide for the Planning Department or Planning Commission to approve all exemption determinations; to require the Planning Department to establish an electronic notification system; to expand noticing of exempt projects; to require new noticing when filing notices of exemption and notices of determination; to revise noticing of negative declarations and environmental impact reports for plans of 20 acres or more; to provide an expanded role for the Historic Preservation Commission; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

03/20/13; REFERRED TO DEPARTMENT.

04/09/13; SUBSTITUTED, AND ASSIGNED to Land Use and Economic Development Committee.

130318 [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]
Sponsor: Cohen
Ordinance amending the Transportation Code, Division I, Section 4.4, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the $1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2013, through May 31, 2023, and making environmental findings.
(Fiscal Impact)

04/09/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

Resolutions

130319 [Multifamily Housing Revenue Bonds - Western Park Apartments - 1280 Laguna Street - Not to Exceed $25,000,000]
Sponsor: Breed
Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $25,000,000 for Western Park Apartments, 1280 Laguna Street, San Francisco, California 94115; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $25,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130320 [The Year of the Child - 2013]
Sponsors: Mar; Cohen, Yee, Chiu and Campos
Resolution declaring 2013 as "The Year of the Child" in the City and County of San Francisco.

04/09/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

130317 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]
Sponsor: Chiu
Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

04/09/13; RECEIVED AND ASSIGNED to Board of Supervisors.

Requests for Hearing

130321 [Hearing - Golden State Warriors Development Project Design - Piers 30-32 and Seawall Lot 330]
Sponsor: Kim
Hearing to consider the revised project design of the proposed Golden State Warriors development on Piers 30-32 and Seawall Lot 330.
04/09/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130322 [Hearing - City's Multiple Mobile Radio Systems, Projects, and Budgets]
Sponsors: Chiu; Farrell
Hearing on the City's multiple mobile radio systems, projects, and budgets.
04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130323 [Hearing - Electronic Surveillance as a Condition of Licensing - California Department of Alcoholic Beverage Control]
Sponsors: Campos; Wiener
Hearing to discuss electronic surveillance as a recommended condition of licensing to the California Department of Alcoholic Beverage Control for establishments serving alcohol.
04/09/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

Introduced by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130296 [Improvements - Mission Bay South Park P10]
Ordinance dedicating City property, within portions of State Trust Parcel 2, known as Mission Bay Park P10, lying along Mission Bay Circle and Mission Bay Drive as open public right-of-way and naming the new park Mission Bay Park P10; accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the General Plan, priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)
04/01/13; RECEIVED FROM DEPARTMENT.

04/09/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130297 [Improvements - Mission Bay Drive Extension Public Infrastructure]
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with the Mission Bay Drive Extension, including acquisition facilities on Mission Bay Drive, Mission Bay Circle, and a portion of Owens Street; accepting additional property on a portion of Owens Street; declaring City property and additional property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the General Plan, eight priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

04/01/13; RECEIVED FROM DEPARTMENT.

04/09/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

130187 [Annual Fundraising Drive - 2013]
Resolution designating those agencies qualified to participate in the 2013 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

03/29/13; RECEIVED FROM DEPARTMENT.

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130295 [Lease Renewal and Amendment - Real Property at 1390 Market Street - BRCP 1390 Market, LLC - $82,818.07 monthly]
Resolution authorizing the five-year renewal and amendment of a lease of approximately 27,826 square feet of space at 1390 Market Street with BRCP 1390 Market, LLC, as Landlord, for use by the Department of Public Health at the monthly cost of $82,818.07 for the period of November 30, 2013, through November 30, 2018. (Real Estate Department)
(Fiscal Impact)

03/28/13; RECEIVED FROM DEPARTMENT.

04/09/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Request Granted

From: Supervisors Chiu and Cohen
To: Budget and Legislative Analyst
Requesting/Inquiring: Requesting the Budget and Legislative Analyst's office to provide the Board of Supervisors with an update of the 2007 management audit of San Francisco's workforce development programs.

While San Francisco's overall unemployment rate has been an encouraging indicator of our city's knowledge-based and technology-driven economy, we have all witnessed the reality and impact of a growing skills-to-jobs gap among residents. This gap has been particularly challenging for San Franciscans who face profound employment barriers due to a lack of educational and literacy opportunities, limited English proficiency, disability or ex-offender status.

In San Francisco, there has been a significant network of Federal, State, and locally-funded workforce development programs intended to assist residents with employment barriers in gaining the skills and training they need in order to join the workforce. In FY 2006-2007, when these programs were estimated to cost at least $29M, the Mayor and Board of Supervisors authorized the creation of the Office of Workforce Development, which was to serve as the local oversight and policy-making body for this vast network, including coordinating all City departments and resources connected to workforce development.

We have heard from a number of community and workforce stakeholders that the City's current workforce system continues to be too fragmented despite significant progress since the Office of Workforce Development was created. Currently, there are over 15 departments that have workforce development programs of some sort, and the authority for many of these programs remains entirely within the departments. There has been relatively little coordination and no standard performance outcomes across many of the departments. Further, there has been inadequate Citywide-level information about total funding, staffing levels, and contract data.

We are writing to request your office's assistance in understanding the state of the current workforce development system, as well in shaping recommendations for its improvement. In 2007, at the time with the City began the process of consolidating workforce system as mentioned above, the Budget and Legislative Analyst prepared an in-depth management audit of San Francisco's workforce development programs. We are asking that your office provide the Board of Supervisors with an update of this audit, and in particular the implementation status of its recommendations.

We look forward to hearing back from you regarding this request. Please contact Catherine Rauschuber, the staff lead in Supervisor Chiu's office on workforce development issues, for questions at 415-378-7025 or Catherine.Rauschuber@sfgov.org.

In Memoriams

Dominic Sarrif Crawford - Supervisor Breed
Mabel Soo - Supervisors Chiu, Cohen, Wiener and Yee
Kathryn Campbell - Supervisor Cohen
Vivian Steuben - Supervisor Cohen

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:06 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 14, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: Members of this BOS should be truly embarrassed by the fact that a citizen of San Francisco has to read the law to you in order to make public comment without interruption. On March 26, as I was addressing this board regarding the practices of your clerk, Board President David Chiu interrupted me. He did so without any good-faith belief that my comments were inappropriate. He did so in violation of the Sunshine Ordinance that my comments were inappropriate. He did so in violation of the Sunshine Ordinance section that I just quoted. Despite stealing my time, interrupting my train of thought, and forcing me to tell him something he certainly knew, the clerk then cut me off midsentence! It is bad enough that this BOS steals a full minute from each and every citizen who wishes to talk with you. Three minutes is the legal intent!!! The practices of the presiding officer and the clerk which violate the law are beyond the pale!

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

APR - 7 2015

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, April 16, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Breed, moved to approve the Board Meeting Minutes of March 12, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

130221 [Payment of Reward to Doe One - $250,000]
Sponsor: Mayor
Ordinance authorizing payment of a $250,000 reward to Doe One for supplying information leading to the arrest and conviction of the perpetrator who murdered Willie Allen.
(Fiscal Impact)

Ordinance No. 072-13

FINALLY PASSED

130085 [Administrative Code - Establishing San Francisco City Hall Preservation Fund]
Sponsor: Farrell
Ordinance amending the Administrative Code, by adding Section 10.100-289, to establish a San Francisco City Hall Preservation Fund to receive donations and to authorize expenditures for the purpose of promoting the 100th anniversary of San Francisco City Hall, including promotional events, community outreach activities, preservation, maintenance, repair, improvements, and similar post-anniversary endeavors.

Ordinance No. 070-13

FINALLY PASSED

Recommendation of the Budget and Finance Committee

130283 [Appropriation - Surplus Revenues, Expenditures, City Reserve for State Revenue Loss, and General Fund Reserve of $44,857,000 Supporting Shortfalls - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $37,467,454 in the Department of Public Health, including $3,092,849 of General Fund Reserves, $8,410,605 of the City Reserves for State Revenue Loss, and $2,600,000 from Community Mental Health Services; surplus hospital revenues of $6,504,000 in General Hospital, $12,560,000 of Laguna Honda Hospital Revenues, and $4,300,000 of Laguna Honda Hospital Reserve for Debt Service (Senate Bill 1128) revenues are recognized, as well as expenditure reductions of $7,389,546 and additional expenditures of $34,520,000 at San Francisco General Hospital, and $10,337,000 at Laguna Honda Hospital.
(Fiscal Impact)

Ordinance No. 067-13

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]
Sponsors: Mayor; Chiu
Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

Ordinance No. 069-13

FINALLY PASSED

130183 [Accept and Expend Grant - FY2012 Second Chance Act Juvenile Offender Reentry Program and Amendment to the Annual Salary Ordinance, FY2012-2013 - $461,166]
Sponsor: Breed
Ordinance authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $461,166 from the Office of Justice Programs for the United States Department of Justice for funding under the FY2012 Second Chance Act Juvenile Offender Reentry Program (Second Chance grant award); and amending Ordinance No. 165-12 (Annual Salary Ordinance, FY2012-2013 and FY2013-2014) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.4 FTE) at JPD.
(Fiscal Impact)

Ordinance No. 071-13

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

120474 [Planning, Administrative Codes - Transfer of Development Rights]
Sponsor: Chiu
Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Ordinance No. 068-13

FINALLY PASSED

Recommendations of the Rules Committee

130071 [Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - $95,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for $95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130167 [Settlement of Lawsuit - Jane Martin, et al. - $1,748,840.74]
Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for $1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130278 **[Settlement of Lawsuit - Dadario v. CCSF - $72,500]**
Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for $72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130279 **[Settlement of Lawsuit - Willis v. CCSF, et al. - $210,000]**
Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for $210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130220 **[Settlement of Claim - Roman Carrasco - $42,000]**
Resolution approving the settlement of the unlitigated claim filed by Roman Carrasco against the City and County of San Francisco for $42,000; claim was filed on August 1, 2012. (City Attorney's Office)

Resolution No. 114-13

ADOPTED

130171 **[Appointments, Pedestrian Safety Advisory Committee - Robin Brasso and Sonja Kos]**
Motion appointing Robin Brasso and Sonja Kos, terms ending March 28, 2015, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)

Motion No. M13-054

APPROVED

130282 **[Appointment, Graffiti Advisory Board - Jonathan Goldberg]**
Motion appointing Jonathan Goldberg, term ending April 10, 2015, to the Graffiti Advisory Board. (Clerk of the Board)

Motion No. M13-055

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Severed from the Consent Agenda

Supervisor Chiu requested that File No. 130301 be severed so that it may be considered separately.

Recommendation of the Land Use and Economic Development Committee

130301 [Approval to Grant Subsurface Easement for Tiebacks in the City and County of San Francisco required for the Chinese Hospital Replacement Project – Assessor's Parcel Number Block 192, Lot 035]

Sponsor: Chiu

Resolution approving the grant of a Tieback Subsurface Easement on Assessor's Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the Chinese Hospital Replacement Project; adopting findings that the grant of subsurface easement is consistent with the General Plan and the priority policies of Planning Code, Section 101.1, and environmental findings; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

Supervisor Chiu, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 118-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Neighborhood Services and Safety Committee

130033 [Liquor License - 555 Howard Street, #102]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Steven Chen for SharChen Golf, Inc., dba Eagle Club Indoor Golf, located at 555 Howard Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 111-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

121038 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]

Resolution approving the acquisition of thirty Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; adopting findings that the project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)
(Fiscal Impact)

Resolution No. 109-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130285 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]

Sponsors: Farrell; Chiu, Cohen, Wiener, Yee, Kim, Mar, Breed, Tang and Campos

Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.

Supervisors Tang and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130287 [Issuance of Tax-Exempt Obligations - Progress Foundation - Not to Exceed $9,000,000]

Sponsor: Farrell

Resolution approving the issuance of tax-exempt obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed $9,000,000 to finance and refinance various capital facilities owned by Progress Foundation.

Resolution No. 117-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Committee

130275 [Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of $4,384,994 Supporting Shortfalls - FY2012-2013]

Sponsor: Mayor

Ordinance appropriating $3,568,579 in the Sheriff's Department, including $3,277,905 from General Reserve and $290,674 from State Disability Claim Reimbursement in the amount of $1,189,268 for Worker's Compensation Expense, $3,195,726 for overtime expenditures, and $538,690 for reduction of revenues; including revenue de-appropriation of $538,690 for reduction of State revenues and expenditure de-appropriation of $1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for $3,195,726 of this request.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130228 [Ten-Year Capital Expenditure Plan - FY2013-2014 through FY2022-2023]

Sponsors: Mayor; Chiu and Campos

Resolution adopting the City's Ten-Year Capital Expenditure Plan for FY2013-2014 through FY2022-2023 pursuant to Administrative Code, Section 3.20.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 115-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130230 [5-Year Information and Communication Technology Plan - FY2013-2014 through FY2017-2018]

Sponsors: Mayor; Chiu and Campos

Resolution adopting the City's 5-Year Information and Communication Technology Plan for FY2013-2014 through FY2017-2018 pursuant to Administrative Code, Section 22A.6.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 116-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee

121065 [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]
Sponsor: Chiu

Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

From the Land Use and Economic Development Committee with a Recommendation of "Do Not Pass"

120458 [General Plan - Van Ness Area Plan Amendments - California Pacific Medical Center: Cathedral Hill Campus]

Ordinance amending the General Plan, Van Ness Area Plan, in order to facilitate the development of a high density medical center at the transit nexus of Van Ness Avenue and Geary Boulevard and reflect various elements of this use; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:

Noes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120459 [General Plan Map - California Pacific Medical Center: St. Luke's Campus]

Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to increase the height limit for the California Pacific Medical Center's St. Luke's Campus (Assessor's Parcel Block No. 6575/Lot Nos. 001, 002; Assessor's Parcel Block No. 6576/Lot No. 021, and the portion of San Jose Avenue between Cesar Chavez Street and 27th Street) to 105 feet; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 227' and 270', respectively, for the St. Luke's Replacement Hospital site and 204' and 228', respectively, for the medical office building site at the St. Luke's Campus; and adopting findings, including environmental findings, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:

Noes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120460 **[General Plan Map - California Pacific Medical Center: Cathedral Hill Campus]**
Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to allow for development up to a height of 265 feet on the block bounded by Van Ness Avenue, Geary Boulevard, Franklin and Post Streets; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 385' and 466', respectively, for the Cathedral Hill Hospital site, and 265' and 290', respectively, for the Cathedral Hill Medical Office Building site; amending Map 1 of the Van Ness Area Plan, to designate the sites of the proposed Cathedral Hill Hospital and Medical Office Building as the Van Ness Medical Use Subdistrict; amending Map 2 of the Van Ness Area Plan to create a 265-V height/bulk district coterminous with the Hospital site; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

NOT PASSED ON FIRST READING by the following vote:

Noes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Neighborhood Services and Safety Committee

120961 **[Liquor License - 543-2nd Street]**
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Dion Cheng and Rachel Cheng for Zaza Spa, located at 543-2nd Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 108-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

121082 **[Liquor License - 57 New Montgomery Street]**
Resolution determining that the issuance of a Type 21 off-sale general license to Mokles S. Hanna for F.M. Smokes and Wines, Inc., located at 57 New Montgomery Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 110-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130067 [Liquor License Transfer - 500 Laguna Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street (District 5), to Krista Avery and Manuel Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 112-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130069 [Liquor License - 820-26th Street]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Cesar Ascarrunz for Cesar's Ballroom, located at 820-26th Street (District 10), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 113-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Mar Excused from Voting

Supervisor Farrell, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 130280. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee

Excused: 1 - Mar

Recommendation of the Rules Committee

130280 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M13-056

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee

Excused: 1 - Mar

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Yee, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Lisa Braden, Branch Library, of the Ocean View Library, on the occasion of National Library Week, in recognition of their accomplishments, and continued community support. Supervisor Kim shared in this commendation.

Supervisor Yee introduced, welcomed, and presented a Certificate of Honor to Members of the Child Care Provider Association in recognition of their accomplishments and continued community support.

Supervisors Farrell and Breed introduced, welcomed, and presented Certificates of Honor to the Women and Men's Basketball Teams of the Sacred Heart Cathedral Prep in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to open government, public records act, and SF Public Library. (See additional information on Page 15.)
Peter Warfield; expressed concerns relating to the SF Public Library.
Neil Gehani; spoke in support of establishing an electrical undergrounding task force.
Eugene Gordon, Jr.; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Diamond Dave Whitaker; shared in poem the upcoming poems under the dome.
E.K. Keith; shared in poem the upcoming poems under the dome.
Valerie Ibarra; shared in poem the upcoming poems under the dome.
Virginia Barrett; shared in poem the upcoming poems under the dome.
Bobby Cohen; shared in poem the upcoming poems under the dome.
Douglas Yepp; expressed various concerns.
L. Elizabeth Cromwell; spoke in support of establishing an electrical undergrounding task force.
Male Speaker; expressed various concerns.
Tom Gilberty; expressed various concerns relating to noise pollution.
Arthur; expressed various concerns relating to district versus at large elections.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 130320 be severed so that it may be considered separately.

130320 [The Year of the Child - 2013]
Sponsors: Mar; Cohen, Yee, Chiu and Campos
Resolution declaring 2013 as "The Year of the Child" in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Mar, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 119-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130339 [Tia Margarita Restaurant Day - April 20, 2013]
Sponsor: Mar
Resolution declaring April 20, 2013, as Tia Margarita Restaurant Day and recognizing its 50th anniversary in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 130339. There were no speakers. The President declared public comment closed.

Resolution No. 120-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

130182 [Police, Administrative Codes - Entertainment-Related Permits]
Sponsor: Wiener
Ordinance amending the Police Code to clarify permit requirements and procedures, as well as to expand suspension, citation, and enforcement provisions regarding Entertainment Commission permits, including Place of Entertainment Permits, Limited Live Performance Permits, Temporary Place of Entertainment Permits, Temporary Limited Live Performance Permits, Extended-Hours Premises Permits, and Temporary Extended-Hours Premises Permits, and noise limits and standards; amending the Administrative Code to clarify fee setting and reporting procedures; and making environmental findings.

02/26/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2013.

03/05/13; REFERRED TO DEPARTMENT.

03/08/13; RESPONSE RECEIVED.

04/16/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130340 [Park Code - Farmers' Market Permits]
Sponsor: Wiener
Ordinance amending Park Code, Section 7.21, to authorize Farmers' Markets on Recreation and Park Department property to operate more than once a week, and specifying the applicable permit fee; and making environmental findings.

04/16/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 5/16/2013.

Resolutions

130341 [Real Property Acquisition - Park Purposes - 3861-24th Street - $4,242,510]
Sponsor: Wiener
Resolution authorizing the acquisition of real property at 3861-24th Street, Assessor's Parcel Block No. 6509, Lot No. 040, for $4,242,510 for park purposes, from the Noe Valley Ministry PCUSA; finding that the proposed transaction is in conformance with the City's General Plan and the priority policies of Planning Code, Section 101.1, and categorically exempt from environmental review as under the California Environmental Quality Act.
(Fiscal Impact)

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130342 [Lease Amendment - Master Bike Rental Concession - ParkWide Activities, LLC]
Sponsors: Breed; Mar
Resolution authorizing the execution of a first amendment to the lease between the Recreation and Park Department and ParkWide Activities, LLC, for the operation of a master bike rental concession in City parks, for the period of August 17, 2011, through August 16, 2016.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130343 [Accept and Expend Grant - San Francisco Covered California Initiative - $568,800]
Sponsor: Mayor
Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of $568,800 from the State of California to participate in a program entitled San Francisco Covered California Initiative for the period of May 1, 2013, through December 31, 2014.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130344 [Urging the California State Legislature to Pass Assembly Bill 900]
Sponsor: Chiu
Resolution urging the California State Legislature to pass Assembly Bill 900 to eliminate the reduction in Medi-Cal rates for distinct part nursing facilities included in the State budget for FY2011-2012.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130345 [Commendation - Laura Lai - Distinguished Service]
Sponsors: Chiu; Mar
Resolution commending Laura Lai for her lifetime of community activism, civil rights advocacy, and documentation of Chinese American history, and declaring April 27, 2013, as Laura Lai Day in the City and County of San Francisco.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130346 [Urging the California State Legislature to Pass Assembly Bill 336]
Sponsors: Campos; Wiener, Avalos, Mar and Yee
Resolution urging the California State Legislature to pass Assembly Bill 336, which states that possession of one or more condoms shall not be used as evidence of soliciting or engaging in prostitution in the State of California.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130347 [Urging the California State Legislature to Pass Assembly Bill 1266]
Sponsors: Campos; Wiener, Avalos, Kim and Mar
Resolution urging the California State Legislature to pass Assembly Bill 1266, the School Success and Opportunity Act.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130348 [Urging the California State Legislature to Pass Assembly Bill 580]
Sponsors: Mar; Chiu and Breed
Resolution urging the California State Legislature to pass Assembly Bill 580, to restore $75 million in annual funding to the California Arts Council.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130349 [Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]
Sponsor: Wiener
Resolution authorizing the Municipal Transportation Agency to act as the fiscal agent for $2,380,000 in funds received by the Planning Department through Metropolitan Transportation Commission Resolution No. 4035 for the implementation of the County Priority Development Area Planning and Implementation Program.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

130350 [Hearing - Security Measures for Large Public Events]
Sponsor: Mar
Hearing to receive information on security measures for large public events held in the City and County of San Francisco.

04/16/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130351 [Hearing - San Francisco International Airport - Budget Update - FY2013-2014 and FY2014-2015]
Sponsor: Farrell
Hearing to receive an update on the San Francisco International Airport budget for FY2013-2014 and FY2014-2015.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130352 [Hearing - Summer Jobs Plus Initiative and Summer School Programming]
Sponsor: Kim
Hearing to receive information from the Mayor's Office of Employment and Workforce Development, Department of Children, Youth and Their Families, and Unified School District regarding the status of Summer Jobs Plus initiative and summer school programming for public school students.

04/16/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130313 [Settlement of Lawsuit - Carlos Benavides Arroliga v. CCSF, et al. - $250,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Benavides Arroliga against the City and County of San Francisco for $250,000; the lawsuit was filed on September 13, 2011, in San Francisco Superior Court, Case No. CGC-11-514165; entitled Carlos Benavides Arroliga, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney's Office)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

130314 [Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - $80,000]
Ordinance authorizing settlement of the lawsuit by Zurich American Insurance Company, against the City and County of San Francisco for $80,000; the lawsuit was filed on January 17, 2013, in San Francisco Superior Court, Case No. CGC-13-528071; entitled Zurich American Insurance Company v. City and County of San Francisco, et al. (City Attorney's Office)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

130315 [Settlement of Lawsuit - CTIA - The Wireless Association]
Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees. (City Attorney's Office)

04/05/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

130312 [Settlement of Claim - Kerry MacRae - $275,000]
Resolution approving the settlement of the unlitigated claim filed by Kerry MacRae against the City and County of San Francisco for $275,000; claim was filed on April 27, 2012. (Public Works Department)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

In Memoriams

Robert Chrisman - Supervisor Cohen
Becky Lee - Supervisor Yee
Carlos Ramirez - Supervisors Mar and Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:08 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 21, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: Again I am discussing a referral from the SOTF to the BOS regarding City Librarian Luis Herrera. For more than 20 months Herrera has withheld public documents in his care and custody. He has directed other City employees to participate in this unlawful action. Herrera has acted knowingly and willfully to conceal public records which he had a legal obligation to produce. Herrera wanted to conceal the fact that he and the San Francisco Public Library Commission have been lying to the public regarding their knowledge of the financial dealings between the Library and the private group know as "The Friend." At the same time, Herrera has been accepting monthly payments from "The Friends" which he has failed to report as required by law. He has for years presented dceptive information to the public regardin gtens of millions of dollars raised in the name of the citizens of San Francisco.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT DOCUMENTS DEPT
APR - 7 2015
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, April 23, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 19, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

130353 [Formal Policy Discussions - April 23, 2013]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing Districts 1, 3, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. According to the 2010 census, 35.6% of San Franciscans are foreign born and City residents speak more than 28 different languages. Our City's Language Access Ordinance has been in effect since 2009 to make sure that the various needs of this population are well served. Yet, I am aware, from feedback from community groups, that our City Departments still struggle to meet the language needs of San Francisco's diverse communities. In heavily immigrant populated Districts, like the Richmond, it is critical that our City's services have the ability to serve all of our residents equitably. I am particularly concerned that our first responders and other Tier 1 Departments be in compliance with the Ordinance and recently called for a hearing to examine this issue. I would like to know what your office is doing to ensure the requirements of the Language Access Ordinance are fully met? (Supervisor Mar, District 1)

2. Mr. Mayor, my office recently implemented San Francisco's first pilot program in participatory budgeting. As practiced in 1,500 cities around the world, including Chicago and New York City, participatory budgeting is a direct democratic process in which residents decide how to spend a portion of a public budget, which leads to better and fairer decisions, makes government more accountable and efficient, builds community in our neighborhoods, and increases public confidence in how our city works. With the partnership of the Controller's Office and community groups, my office successfully managed a process that included collecting ideas proposed by residents, winnowing implementable projects, and a week of voting at locations around District 3. This year, my hope is that we can expand our participatory budget pilot beyond the modest $100,000 of funding available this year, which represents less than 1/70,000th of our annual budget. Will you join me to make San Francisco a participatory budgeting leader in the United States? (Supervisor Chiu, District 3)

3. A small area of the Oceanview, Merced Heights, and Ingleside (OMI) neighborhood has experienced a high level of gun violence and a rash of homicides over the past several years, mostly affecting African American men in the Broad Street corridor. In November, OMI residents and service providers held a public safety town hall meeting attended by many City departments, most of which committed to stepping up their work in the neighborhood. Earlier this year after a young African American man was shot at the Minnie and Lovie Ward Recreation Center playground, you and I spoke directly about creating a violence prevention plan specific to the OMI neighborhood and its African American community. Thank you for your attention to this matter. Please tell us the status of the plan to bring jobs and violence prevention and intervention resources to the OMI to address the crisis of gun violence. (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

130285 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]
Sponsors: Farrell; Chiu, Cohen, Wiener, Yee, Kim, Mar, Breed, Tang and Campos
Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.

Ordinance No. 073-13

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

130271 [Approving the 2013 Budget and Legislative Analyst Services Work Plan]
Sponsors: Chiu; Cohen
Motion approving the Budget and Legislative Analyst Services work plan for 2013, which allocates hours for Calendar Year 2013; authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2013 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

Motion No. M13-057

APPROVED

Recommendations of the Land Use and Economic Development Committee

121065 [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]
Sponsor: Chiu
Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

Ordinance No. 074-13

FINALLY PASSED

130235 [Urging the Municipal Transportation Agency to Implement a Full-Scale Bike Sharing Program by 2014]
Sponsors: Wiener; Chiu, Mar and Campos
Resolution urging the Municipal Transportation Agency to implement a full-scale bike sharing program by 2014.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 121-13

ADOPTED

Recommendations of the Rules Committee

130071 [Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - $95,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for $95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 075-13

FINALLY PASSED

130167 [Settlement of Lawsuit - Jane Martin, et al. - $1,748,840.74]

Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for $1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 076-13

FINALLY PASSED

130278 [Settlement of Lawsuit - Dadario v. CCSF - $72,500]

Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for $72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 077-13

FINALLY PASSED

130279 [Settlement of Lawsuit - Willis v. CCSF, et al. - $210,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for $210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 078-13

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

130275 [Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of $4,384,994 Supporting Shortfalls - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $3,568,579 in the Sheriff's Department, including $3,277,905 from General Reserve and $290,674 from State Disability Claim Reimbursement in the amount of $1,189,268 for Worker's Compensation Expense, $3,195,726 for overtime expenditures, and $538,690 for reduction of revenues; including revenue de-appropriation of $538,690 for reduction of State revenues and expenditure de-appropriation of $1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for $3,195,726 of this request.
(Fiscal Impact)

Ordinance No. 079-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

130131 [Administrative Code - Agricultural Inspection Fees]
Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130132 [Administrative Code - Weights and Measures Fees]
Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130133 [Administrative Code - Public Health Solid Waste Penalties Fund]

Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130187 [Annual Fundraising Drive - 2013]

Resolution designating those agencies qualified to participate in the 2013 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

Resolution No. 122-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130264 [Adoption of Guidelines for the Establishment and Use of an Infrastructure Financing District on Port Land]

Sponsors: Mayor; Kim

Resolution adopting Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land Under the Jurisdiction of the San Francisco Port Commission. (Fiscal Impact)

ADOPTED by the following vote:
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Kim, seconded by Supervisor Breed, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Privilege of the floor was granted to Brad Benson (Port) who responded to questions raised throughout the discussion.

Supervisor Kim indicated amendments to the accompanying guidelines, as provided by Brad Benson (Port), included in File No. 130264.

Supervisor Kim, seconded by Supervisor Campos, moved that this Resolution be AMENDED, on Page 2, beginning on Line 3, by adding 'WHEREAS, This City policy for the use of Infrastructure Financing Districts on Port property is unique to the Port of San Francisco and does not establish a precedent for use of the Infrastructure Financing District Law elsewhere in the City and County; and'. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 123-13

ADOPTED AS AMENDED, after accepting the amendment to the accompanying guidelines, by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130267 [Contract Amendment - Transbay Transit Center Program Services - Not to Exceed $5,393,677]
Sponsor: Kim
Resolution approving the Second Amendment to Contract No. CS -159 between the Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services pursuant to Charter, Section 9.118, to increase the not to exceed amount from $3,280,677 to $5,393,677 for the period of July 21, 2009, through December 31, 2017.

Resolution No. 124-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130303 [Urging City College of San Francisco to Preserve the Quality and Diversity of the School's Education and the City to Consider New Support]
Sponsors: Mar; Cohen and Avalos
Resolution urging the City College of San Francisco (CCSF) Board of Trustees and administration to utilize Proposition A Funds, as outlined in the language of Proposition A, to preserve the quality and diversity of education that has served San Francisco well; and for the City to consider additional support for CCSF by evaluating the fees currently charged by the City to CCSF, the possibility of providing more in-kind services, and exploring long-term local support structures.

Supervisor Mar, seconded by Supervisor Cohen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 125-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

From the Budget and Finance Sub-Committee Without Recommendation

130123 [Urging the Retirement Board to Divest from Fossil Fuel Companies]
Sponsors: Avalos; Mar and Breed
Resolution urging the Retirement Board of the Employees' Retirement System to divest from publicly traded fossil fuel companies.

Supervisor Farrell, seconded by Supervisor Avalos, moved that this Resolution be AMENDED on Page 3, Line 23, through Page 4, Line 2, by deleting 'FURTHER RESOLVED, That the Board of Supervisors accepts that by divesting out of fossil fuel companies the Retirement Board may produce reduced investment returns as a result and the Board of Supervisors believes that divesting out of fossil fuel companies is an acceptable tradeoff for all current and retired City employees who are affected by the performance of the Retirement System; and, be it.' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Cohen, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, on Page 2, Line 3, by changing 'ordinance' to 'Resoluton.' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Resolution No. 126-13

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Government Audit and Oversight Committee

130179 [Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-Needed Contract Requirements In Order to Complete Design and Engineering of Bayview Opera House - $1,275,000]

Sponsor: Cohen

Ordinance waiving the as-needed contract modification not to exceed amount requirement under Administrative Code, Section 6.64, and authorizing the Director of Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot Fisch/Knapp Architects, JV by increasing the not to exceed amount by $150,000 from $1,125,000 to $1,275,000 for the limited purpose of completing the design and engineering for the Bayview Opera House project for the period of September 2, 2010, through September 1, 2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Land Use and Economic Development Committee

120901 [Planning Code - Upper Market Zoning]

Sponsor: Wiener

Ordinance amending Planning Code, Sections 721.1 and 733.1, to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; Section 703.2(b), to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; Section 733, making clerical corrections in tables; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120902 [Planning Code, Zoning Map - Upper Market Zoning Map]

Sponsor: Wiener

Ordinance amending Planning Code, Sectional Map Sheets ZN07 and HT07, to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District; change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 62-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Beth Rubenstein in recognition of her accomplishments and continued community support.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Laura Lai, Community Activist, in recognition of her accomplishments and continued community support. Supervisors Mar and Yee, Judge Steve Owyang, and Al Cheng shared in this commendation.

COMMITTEE REPORT

Recommendation of the Neighborhood Services and Safety Committee

130134 [Liquor License - 2379 Chestnut Street]
Resolution determining that the issuance of Type 42 on-sale beer and wine license to Ferris Ferdon for Ferdon Olive Oil, Inc., dba We Olive, located at 2379 Chestnut Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 127-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Dale Seymour; expressed concerns relating to job creations and Tenderloin neighborhoods.
Peter Warfield; expressed concerns relating to the SF Public Library, bullying, and clues.
Karen Lambergoon; shared in poem certain concerns with the Board.
Kelly Watts; expressed concerns relating to chemical toxins.
Jane Kennedy; spoke relating to budget town hall meetings and utility undergrounding.
Oscar James; expressed concerns relating to proposed advisory committee for Bayview Hunter's Point.
Tom Gilberty; expressed various concerns relating to noise pollution.
Tom Silmar; expressed concerns relating to corridor around 18th Street.
John DiDonna; shared in poem certain concerns with the Board.
Douglas Yepp; expressed various concerns relating to City Attorney's Office.
Keith Dennis; expressed concerns relating to assisted living.
Male Speaker; expressed various religious concerns.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

130317 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]
Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M13-058

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:50 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Persons in attendance:
Jose Cisneros, Treasurer/Tax Collector
Ben Rosenfield, Controller
Jon Givner, Deputy City Attorney
Julie Van Nostern, Deputy City Attorney
Owen Clements, Deputy City Attorney
Peter Keith, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in closed session, no action was taken, and the hearing was filed.

RECONVENING OF THE BOARD

The Board reconvened at the hour of 6:53 p.m.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Farrell, seconded by Supervisor Cohen, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130344 [Urging the California State Legislature to Pass Assembly Bill 900]
Sponsor: Chiu
Resolution urging the California State Legislature to pass Assembly Bill 900 to eliminate the reduction in Medi-Cal rates for distinct part nursing facilities included in the State budget for FY2011-2012.

Resolution No. 128-13

ADOPTED

130345 [Commendation - Laura Lai - Distinguished Service]
Sponsors: Chiu; Mar
Resolution commending Laura Lai for her lifetime of community activism, civil rights advocacy, and documentation of Chinese American history, and declaring April 27, 2013, as Laura Lai Day in the City and County of San Francisco.

Resolution No. 129-13

ADOPTED

130346 [Urging the California State Legislature to Pass Assembly Bill 336]
Sponsors: Campos; Wiener, Avalos, Mar and Yee
Resolution urging the California State Legislature to pass Assembly Bill 336, which states that possession of one or more condoms shall not be used as evidence of soliciting or engaging in prostitution in the State of California.

Resolution No. 130-13

ADOPTED

130347 [Urging the California State Legislature to Pass Assembly Bill 1266]
Sponsors: Campos; Wiener, Avalos, Kim and Mar
Resolution urging the California State Legislature to pass Assembly Bill 1266, the School Success and Opportunity Act.

Resolution No. 131-13

ADOPTED

130348 [Urging the California State Legislature to Pass Assembly Bill 580]
Sponsors: Mar; Chiu and Breed
Resolution urging the California State Legislature to pass Assembly Bill 580, to restore $75 million in annual funding to the California Arts Council.

Resolution No. 132-13

ADOPTED

130349 [Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]
Sponsor: Wiener
Resolution authorizing the Municipal Transportation Agency to act as the fiscal agent for $2,380,000 in funds received by the Planning Department through Metropolitan Transportation Commission Resolution No. 4035 for the implementation of the County Priority Development Area Planning and Implementation Program.

Resolution No. 133-13

ADOPTED

130337 [Final Map - 7044 - 5499 California Street /208 17th Avenue and 210-212, 216 17th Avenue]

Motion approving Final Map 7044, a two Lot Subdivision, Parcel A being a one residential unit and one commercial unit mixed-use condominium project and Parcel B being a three unit residential condominium project, located at 5499 California Street, 208 17th Avenue, and 210-212, 216 17th Avenue; being a subdivision of Assessor's Block No. 1417, Lot No. 031, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

Motion No. M13-059

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

130363 [Appropriation - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - $133,275,000 - FY2012-2013]

Sponsors: Mayor; Wiener, Yee, Chiu and Mar

Ordinance appropriating $133,275,000 of the Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013B, Proceeds including $122,058,097 to the Department of Public Works and $11,216,903 to the Municipal Transportation Agency for resurfacing, sidewalk, curb ramp, and street structure improvements, the redesign of street streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds. (Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

130364 [De-Appropriation and Re-Appropriation - $71,016 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $71,016 in salaries in the Public Utilities Commission, Hetch Hetchy Department, operating budget and re-appropriating $71,016 to overtime in the Public Utilities Commission, Hetch Hetchy Department operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

04/23/13; ASSIGNED to Budget and Finance Committee.

130365 [De-Appropriation and Re-Appropriation - Operating Budget Amendment of $5,096,000 and Capital Improvement Projects of $42,178,878 for Public Utilities Commission - FY2013-2014]

Sponsor: Mayor

Ordinance amending the adopted FY2013-2014 Appropriation Ordinance and other adopted biennial capital appropriation ordinances for the Public Utilities Commission, including $3,100,000 in de-appropriation and re-appropriation for the Hetch Hetchy Enterprise operating budget; de-appropriating $16,414,070 and re-appropriating $7,513,665 in capital projects in the Hetch Hetchy Capital Improvement Program projects; de-appropriating and re-appropriating $1,996,000 in the Water Enterprise operating budget; de-appropriating $70,995,900 and re-appropriating $55,169,000 in the in the Water Enterprise Capital Improvement Program projects; and de-appropriating $56,370,059 and re-appropriating $38,878,486 in the Wastewater Enterprise Capital Improvement Program.
(Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

130366 [De-Appropriation and Re-Appropriation - $250,000 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $250,000 in debt service in the Public Utilities Commission, Water Enterprise Department, operating budget, and re-appropriating $250,000 to overtime in the Public Utilities Commission, Water Enterprise Department, operating budget, in order to support the department's projected increases in overtime, as required by Board of Supervisors Ordinance No. 194-11; and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

04/23/13; ASSIGNED to Budget and Finance Committee.

130367 [De-Appropriation and Re-Appropriation - $16,546,000 to Public Utilities Commission for Expenditures - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $16,546,000 in existing Wastewater Capital Improvement Program project budgets and re-appropriating the funds to Wastewater Sewer System Improvement Program budgets adopted by the Public Utilities Commission.

04/23/13; ASSIGNED to Budget and Finance Committee.

130368 [Appropriation - Earthquake Safety and Emergency Response General Obligation Bonds, 2011, Series 2013B - $31,905,000 - FY2012-2013]

Sponsors: Mayor; Chiu

Ordinance appropriating $31,905,000 of the Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B, Proceeds to the Department of Public Works in FY2012-2013 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster; and placing these funds on Controller's Reserve pending the sale of the bonds.

04/23/13; ASSIGNED to Budget and Finance Committee.

130369 [Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements]
Sponsor: Mayor
Ordinance amending Building Code, Section 106A.3.2.4, and Health Code, Sections 1220 through 1237, and adding Section 1219, to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending Public Works Code, Article 20, to eliminate soil testing provisions; renumbering code sections in Health Code, Article 22A; and making environmental findings.
04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130370 [Appropriation and De-Appropriation - Equipment Lease Revenue Bonds, Series 2013A - $2,056,612 - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $2,056,612 of Equipment Lease Revenue Bonds, Series 2013A, Proceeds and de-appropriating $171,628 of equipment lease project to fund related financial costs for issuing Equipment Lease Revenue Bonds, Series 2013A, for Citywide Lease Equipment financing in FY2012-2013.
(Fiscal Impact)
04/23/13; ASSIGNED to Budget and Finance Committee.

130371 [Appropriation and De-Appropriation - Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A - $74,030,000 - FY2012-2013]
Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar
Ordinance appropriating $74,030,000 of the Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A, Proceeds including $55,156,304 to the Recreation and Parks Department and $18,873,696 to the Port for the renovation, repair, and construction of parks and open spaces (Proposition B) in FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.
04/23/13; ASSIGNED to Budget and Finance Committee.

130372 [Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District]
Sponsor: Cohen
Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.
04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/23/2013.

130373 [Administrative Code - Language Access Ordinance]
Sponsor: Chiu
Ordinance amending the Administrative Code to add the Ethics Commission to the list of City departments required to provide enhanced language access services.
04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

130374 [Campaign and Governmental Conduct Code - Lobbying Regulations]
Sponsor: Chiu
Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the list of reportable lobbying contacts; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about city officials who fail to file statements of economic interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

130375 [Administrative Code - City Contracting and Grant Reform]
Sponsor: Chiu
Ordinance amending the Administrative Code, Chapter 21, Sections 21.4 and 21.05, adding 21.43, relating to Contracts, and adding Chapter 21A, relating to Grants.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

Resolutions

130376 [Issuance - Equipment Lease Revenue Bonds, Series 2013A - Finance Corporation Equipment Program - Not to Exceed $12,500,000]
Sponsor: Mayor
Resolution approving the form of and authorizing execution and delivery of Equipment Lease Revenue Bonds, Series 2013A, Supplement No. 19, between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco (City), as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $12,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.
(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130377 [Sale - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed $74,030,000]

Sponsors: Mayor; Farrell, Wiener, Avalos, Kim, Chiu and Mar

Resolution authorizing and directing the sale of not to exceed $74,030,000 aggregate principal amount of City and County of San Francisco Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive Sale; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement Relating to the Sale of Said Bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130378 [Lease - Data Center Space - 3101 Gold Center Drive, Rancho Cordova, California - Initial Term of Two Years - Base Annual Rental Rate of $130,473.84]

Sponsors: Mayor; Chiu

Resolution authorizing the use of space and communication services within an existing data center located at 3101 Gold Center Drive, Rancho Cordova, California, from the State of California Technology Agency, Office of Technology Services, through an Agreement; and authorizing certain amendments and extensions to said Agreement as warranted for an initial term of two years with a base annual rental rent of $130,473.84.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130379 [Proposition J Contract - Public Utilities Commission - Certification of Specified Contracted-Out Services Previously Approved]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for night and weekend security services at Public Utilities Commission's offices on 525 Golden Gate Avenue.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130380 [Issuance - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed $195,000,000]

Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar

Resolution providing for the issuance of not to exceed $195,000,000 aggregate principal amount of Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.
(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130381 [Sale - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - Not to Exceed $133,275,000]
Sponsors: Mayor; Wiener, Yee and Mar
Resolution authorizing and directing the sale of not to exceed $133,275,000 aggregate principal amount of Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130382 [Sale - Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B - Not to Exceed $31,905,000]
Sponsors: Mayor; Chiu
Resolution authorizing and directing the sale of not to exceed $31,905,000 aggregate principal amount of Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of said bonds; Approving the Form of the Continuing Disclosure Certificate; Authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130383 [Accept and Expend Grant - Bay Area Regional Energy Network - $931,000]
Sponsor: Mar
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant of $931,000 from the Association of Bay Area Governments to perform various activities as part of a Bay Area Regional Energy Network energy efficiency program for the period of January 1, 2013, through December 31, 2014.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130384 [Airspace Lease - State of California - Property along Duboce Street, between Otis Street and Stevenson Street - SoMa West Skatepark - Initial Term of Twenty Years - Initial Monthly Base Rent $10,000]
Sponsor: Kim
Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 071, and located along Duboce Street between Otis Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and an initial monthly rent of $10,000; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.
(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130385 [Airspace Lease - State of California - Property under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street - SoMa West Dog Park - Initial Term of Twenty Years - Total Base Rent $2,335,343]
Sponsor: Kim
Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 074, and located under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and a total base rent of $2,335,343; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130386 [Urging the California State Senate to Pass Senate Bill 622]
Sponsors: Campos; Avalos, Mar and Kim
Resolution urging the California State Senate to pass Senate Bill 622, which would levy an excise tax of one cent ($0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.

04/23/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130387 [Urging the United States Senate to Amend Senate Bill 744 and Pass Comprehensive Immigration Reform]
Sponsors: Chiu; Campos and Kim
Resolution urging the United States Senate to amend Senate Bill 744 and pass Comprehensive Immigration Reform legislation to focus on family reunification, create a real pathway to citizenship, and be inclusive of our country's diversity.

04/23/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

130207 [Hearing - Proposition H Expenditure Plan and Reauthorization and Children's Fund Status and Reauthorization]
Sponsor: Kim
Hearing to receive updates from the Mayor's Budget Office, Controller's Office, and San Francisco Unified School District (SFUSD) on the Proposition H expenditure plan, the establishment of standardized processes for allocation of funds to SFUSD by the City, and the status of possible reauthorization of Proposition H, and an update from the Department of Children, Youth and Families on the status and possible reauthorization of the Children's Fund.

02/26/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

03/01/13; REFERRED TO DEPARTMENT.

04/23/13; SUBSTITUTED AND ASSIGNED to City and School District Select Committee.

130355 [Hearing - Public Utilities Commission - Budget Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Public Utilities Commission budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130356 [Hearing - Port - Budget Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Port budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130357 [Hearing - Municipal Transportation Agency - Budget Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Municipal Transportation Agency budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130388 [Hearing - Performance Audit - Public Safety Realignment]
Sponsor: Cohen
Hearing on the performance audit of the implementation of Public Safety Realignment.

04/23/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130389 [Hearing - Participatory Budgeting]
Sponsor: Chiu
Hearing on participatory budgeting.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCE

130336 [Settlement of Lawsuit - Rosemary Bosque - $49,505.70]
Ordinance authorizing settlement of the lawsuit filed by Rosemary Bosque against the City and County of San Francisco for $49,505.70; the lawsuit was filed on May 14, 2010 in San Francisco Superior Court, Case No. CGC-10-499909, entitled Bosque v. City and County of San Francisco. (City Attorney's Office)

04/12/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

130324 [Airport Lease Modification - United Air Lines, Inc. - Plots 16 and 16B]
Resolution approving the execution of Modification No.5 to Lease L73-0066 at Plots 16 and 16B with United Air Lines, Inc. at San Francisco International Airport to: increase the ground rent to $12,040,710.00 per year; reduce the premises by 6.53 acres of land, resulting in a modified premises of approximately 124.13 acres, together with certain rights-of-way and easements; and grant a one-time option to relinquish up to thirty percent of the land comprising the Premises and equivalent land comprising the Employee Parking. (Airport Commission)
(Fiscal Impact)

04/09/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130332 [Airport Lease and Use Agreement - China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc.]
Resolution approving the terms of 2011 Lease and Use Agreements between China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc., respectively, and the City and County of San Francisco, acting by and through its Airport Commission, for a term ending in approximately eight years and two months. (Airport Commission)

04/09/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130333 [Airport Lease Amendments - Concessions and Stores]
Resolution approving Amendment No. 2 to Boarding Area E Candy Kiosk Lease No. 08-0016 with Pacific Gateway Concessions, LLC; Terminal 3 Specialty Store Lease B No. 04-0167 with Marilla Chocolate Company; Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 3 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission for a term of five years. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130334 [Airport Lease Agreement - Pelican Communications, Inc.]
Resolution approving Amendment No. 1 to Lease No. 09-0229 with Pelican Communications, Inc., to lower rent to 20% of gross revenue for the term January 1, 2010, through December 3, 2013. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130335 [Airport Lease Amendment - Gotham Enterprises, LLC - Minimum Annual Guarantee $37,353]
Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0193 between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of $37,353, for the term of September 29, 2003, through February 23, 2017. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:57 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 4, 2013.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT
APR - 7 2015
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, May 7, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Cohen, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 26, 2013, and April 2, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

130131 [Administrative Code - Agricultural Inspection Fees]
Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

Ordinance No. 080-13

FINALLY PASSED

130132 [Administrative Code - Weights and Measures Fees]
Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

Ordinance No. 081-13

FINALLY PASSED

130133 [Administrative Code - Public Health Solid Waste Penalties Fund]
Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)

Ordinance No. 082-13

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

120901 [Planning Code - Upper Market Zoning]
Sponsor: Wiener
Ordinance amending Planning Code, Sections 721.1 and 733.1, to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; Section 703.2(b), to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; Section 733, making clerical corrections in tables; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

Ordinance No. 083-13

FINALLY PASSED

120902 [Planning Code, Zoning Map - Upper Market Zoning Map]
Sponsor: Wiener
Ordinance amending Planning Code, Sectional Map Sheets ZN07 and HT07, to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District; change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 62-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

Ordinance No. 084-13

FINALLY PASSED

Recommendations of the Rules Committee

130313 [Settlement of Lawsuit - Carlos Benavides Arroliga v. CCSF, et al. - $250,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Benavides Arroliga against the City and County of San Francisco for $250,000; the lawsuit was filed on September 13, 2011, in San Francisco Superior Court, Case No. CGC-11-514165; entitled Carlos Benavides Arroliga, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney's Office)

PASSED, ON FIRST READING

130314 [Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - $80,000]
Ordinance authorizing settlement of the lawsuit by Zurich American Insurance Company, against the City and County of San Francisco for $80,000; the lawsuit was filed on January 17, 2013, in San Francisco Superior Court, Case No. CGC-13-528071; entitled Zurich American Insurance Company v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130312 [Settlement of Claim - Kerry MacRae - $275,000]
Resolution approving the settlement of the unlitigated claim filed by Kerry MacRae against the City and County of San Francisco for $275,000; claim was filed on April 27, 2012. (Public Works Department)

Resolution No. 134-13

ADOPTED

121102 [Appointments, In-Home Supportive Services Public Authority - Patricia Webb, Kelly Dearman, and Tatiana Kostanian]
Motion appointing Patricia Webb, Kelly Dearman, and Tatiana Kostanian, terms ending March 1, 2016, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

Motion No. M13-060

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Severed from the Consent Agenda

Supervisor Avalos requested that File No. 130315 be severed so that it may be considered separately.

130315 [Settlement of Lawsuit - CTIA - The Wireless Association]
Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees. (City Attorney's Office)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 1 - Avalos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

130179 [Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-Needed Contract Requirements In Order to Complete Design and Engineering of Bayview Opera House - $1,275,000]

Sponsor: Cohen

Ordinance waiving the as-needed contract modification not to exceed amount requirement under Administrative Code, Section 6.64, and authorizing the Director of Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot Fisch/Knapp Architects, JV by increasing the not to exceed amount by $150,000 from $1,125,000 to $1,275,000 for the limited purpose of completing the design and engineering for the Bayview Opera House project for the period of September 2, 2010, through September 1, 2015.

Ordinance No. 085-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Committee

130284 [Planning, Building Codes - Fee Waiver Program - Small Business Month, May 2013]

Sponsor: Tang

Ordinance recognizing Small Business Month in May 2013; amending the Planning Code and the Building Code to retroactively waive fees for the month of May for certain façade improvements; and making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130299 [Appropriation and De-Appropriation - $4,072,764 for Overtime - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $4,072,764 to overtime and de-appropriating $4,072,764 consisting of $3,272,301 in permanent salaries and $800,463 in fringe benefits in the Fire Department's operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Sub-Committee

130224 [Agreement - Pacific Gas and Electric Company - University Mound Reservoir Project - $86,765.18]
Sponsor: Campos
Ordinance authorizing the Public Utilities Commission General Manager to enter into a long-term interconnection agreement with Pacific Gas and Electric Company to connect a small renewable energy project at University Mound Reservoir to the electric system; and waiving specific requirements of the Administrative Code and the Environment Code in the best interests of the City for an amount of $86,765.18 with a duration of ten years and automatic renewal every year thereafter.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130319 [Multifamily Housing Revenue Bonds - Western Park Apartments - 1280 Laguna Street - Not to Exceed $25,000,000]
Sponsor: Breed
Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $25,000,000 for Western Park Apartments, 1280 Laguna Street, San Francisco, California 94115; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $25,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Resolution No. 135-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee

120669 [Subdivision Code - Condominium Conversion Fee]
Sponsors: Farrell; Wiener, Chiu, Yee and Kim
Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a condominium conversion impact fee applicable to certain buildings that would be permitted to convert during a six year period, and subject to specified requirements, including lifetime leases for non-purchasing tenants; adding Section 1396.5, to suspend the annual condominium conversion lottery until 2024 and resume said lottery under specified circumstances tied to permanently affordable rental housing production; amending Section 1396, to restrict future condominium lotteries to buildings of no more than four units with a specified number of owner occupied units for three years prior to the lottery; and adopting environmental findings.
(Economic Impact)
(Supervisor Wiener dissented in Committee.)

Supervisor Farrell, seconded by Supervisor Chiu, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee on May 13, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Neighborhood Services and Safety Committee

130262 [Police Code - Access to Reproductive Health Care Facilities]
Sponsors: Campos; Cohen, Kim, Avalos, Wiener, Mar, Breed, Chiu, Yee and Tang
Ordinance amending the Police Code, Article 43, Sections 4301, 4302, 4303, and 4304, to replace the existing eight-foot bubble zone around individuals entering, exiting, and seeking services at health care facilities with a fixed buffer zone around the entrances, exits, and driveways of reproductive health care facilities; and to prohibit any person from entering or remaining in that buffer zone, with certain exceptions; and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Rules Committee

130329 [Appointments, Shelter Monitoring Committee - Deborah Muise and Raija Freeman]
Motion appointing Deborah Muise and Raija Freeman, terms ending November 23, 2014, to the Shelter Monitoring Committee, residency requirement waived. (Clerk of the Board)

Motion No. M13-061

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Breed, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to Judge Troy L. Nunley of the U.S. District Court in recognition of his recent appointment to the Federal Bench, his accomplishments, and continued community support.

Supervisor Breed introduced, welcomed, and presented a Certificate of Honor to Sheryl Davis of the Fillmore/Western Addition Neighborhood in recognition of receiving the prestigious Jefferson Award, her accomplishments, and continued community support.

Supervisor Breed introduced, welcomed, and presented a Certificate of Honor to Recreation and Park Department staff and volunteers in recognition of cleaning up Golden Gate Park after the '420' celebrations, their accomplishments, and continued community support.

SPECIAL ORDER 4:00 P.M.

130308 [Public Hearing - Appeal of a Final Environmental Impact Report - 706 Mission Street - The Mexican Museum and Residential Tower Project]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated March 21, 2013, Certification of a Final Environmental Impact Report identified as Planning Case No. 2008.1084E, through its Motion No. 18829, a proposed mixed-use project at 706 Mission Street (Assessor's Block No. 3706, Lot Nos. 093, 275, and portions of 277), the Mexican Museum and Residential Tower Project. (District 6) (Appellants: Lippe Gaffney Wagner, LLP, on behalf of the 765 Market Street Residential Owners Association, Friends of Yerba Buena, Paul Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins; and Brandt-Hawley Law Group on behalf of the Tenants and Owners Development Corporation and Yerba Buena Neighborhood Consortium, LLC) (Filed April 2, 9, and 10, 2013) (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Tom Lippe, Susan Brandt-Hawley, and John Eberling (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Diane Bunag; Elena Gruenberg; Alicia Duke; John Mburu Njoroge; Joe Fang; Paul Sedway; Matthew Shomberg; Richard Laiderman; John Herman; Ron Wornick; Jeannie Riggs; Edward Collins; Jack Clumeck; John Comgs; Howard Wexler; Robert Friend; Terry Eckert; Theresa Shoenberg; spoke in support of the appeal. Debra Dwyer; Devyani Jain; Diego Sanchez, Greg Riessen, and Sarah Jones (Planning Department) and Marlena Byrne (City Attorney's Office) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Margot Bradish (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Female Speaker; Ampero Vigin; Nora Wagner; David de la Torre; Emily Pimentel; Marta Melendez; Sandra Vivanco; Eric Dorrea; Antonio Torres; John Calloway; Tom Dunner; Anna Bolton; Wilson Roberts; Benny Guitierrez; Virginia Grordi; Mike Theriault; Shawn Smith; Juana Villegas; Roberta Padilla; Beatriz Dankin; Arturo Rieza; spoke in support of the project and in opposition to the appeal. Tom Lippe and Susan Brandt-Hawley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

130309 [Affirming FEIR Certification - 706 Mission Street - The Mexican Museum and Residential Tower Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 706 Mission Street - The Mexican Museum and Residential Tower Project. (Clerk of the Board)

Motion No. M13-062

Supervisor Kim, seconded by Supervisor Yee, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130310 [Reversing FEIR Certification - 706 Mission Street - The Mexican Museum and Residential Tower Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 706 Mission Street - The Mexican Museum and Residential Tower Project. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Yee, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130311 [Preparation of Findings to Reverse FEIR Certification - 706 Mission Street - The Mexican Museum and Residential Tower Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 706 Mission Street - The Mexican Museum and Residential Tower Project. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Yee, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Cathleen Gillis; expressed concerns relating to abortion.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Lea Freewall; expressed concerns relating to utility undergrounding.
Peter Warfield; expressed concerns relating to the SF Public Library and fine policy.
Female Speaker; expressed various concerns relating to civil rights and abortion.
Mary Anne Schlong; expressed concerns relating to abortion.
Male Speaker; expressed concerns relating to abortion.
Eugene Gordon, Jr.; expressed various concerns relating to slavery.
Walter Paulson; shared in song certain concerns with the Board.
Ron Sarcastsi; expressed concerns relating to abortion.
Maura Outgreave; expressed concerns relating to abortion.
Vera Haile; spoke in support of immigration reform.
Tom Dunner; expressed concerns relating to abortion.
Otto Duffy; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130354 [Final Map 7335 - 1880 Mission Street]

Motion approving Final Map 7335, a 202 residential unit and three commercial unit mixed-use condominium project, located at 1880 Mission Street, being a merger and resubdivision of Assessor's Block No. 3547, Lot Nos. 002A, 003, 004 and 029, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

Motion No. M13-063

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 130386 be severed so that it may be considered separately.

130386 [Urging the California State Senate to Pass Senate Bill 622]

Sponsors: Campos; Avalos, Mar and Kim

Resolution urging the California State Senate to pass Senate Bill 622, which would levy an excise tax of one cent ($0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.

Supervisor Campos, seconded by Supervisor Cohen, moved that this Resolution be CONTINUED to May 14, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Chiu requested that File No. 130387 be severed so that it may be considered separately.

130387 [Urging the United States Senate to Amend Senate Bill 744 and Pass Comprehensive Immigration Reform]

Sponsors: Chiu; Campos and Kim

Resolution urging the United States Senate to amend Senate Bill 744 and pass Comprehensive Immigration Reform legislation to focus on family reunification, create a real pathway to citizenship, and be inclusive of our country's diversity.

Resolution No. 136-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

130412 [Public Works Code - Installation of City Infrastructure in Excavation Projects]
Sponsor: Chiu
Ordinance amending the Public Works Code to require the installation of City-owned telecommunications and electricity infrastructure in excavation projects where the City has determined that it is both financially feasible and consistent with the City's long-term goals to develop the City's electrical and communications infrastructure; and to coordinate the installation of the infrastructure with municipal and utility excavators.

05/07/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130413 [Municipal Elections Code - Publication of Legal Text of Proposed Measures]
Sponsor: Chiu
Ordinance amending the Municipal Elections Code to specify that the Voter Information Pamphlet will not include the legal text of any ballot measure that exceeds 100 pages.
(Fiscal Impact)

05/07/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

130414 [Appropriation - $1,267,985 for the San Francisco Airport Commission - FY2013-2014]
Sponsor: Mayor
Ordinance appropriating amended estimated receipts and amended estimated expenditures of $1,697,907 for the San Francisco Airport Commission for the fiscal year ending June 30, 2014.

05/07/13; ASSIGNED to Budget and Finance Committee.

130415 [Public Employment - Amendment to the Annual Salary Ordinance, FYs 2012-2013 and 2013-2014 - Port of San Francisco]
Sponsor: Mayor
Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FYs 2012-2013 and 2013-2014) to reflect the addition of 7.0 positions (5.39 FTEs) in Class 9330 (3.85 FTEs, Pile Worker), 9331 (0.77 FTEs, Piledriver Engine Operator), and 9332 (.77 FTEs, Piledriver Supervisor I) in the Port of San Francisco in FY2013-2014.

05/07/13; ASSIGNED to Budget and Finance Committee.

130416 [Appropriation - $3,857,224 for the Port of San Francisco - FY2013-2014]
Sponsor: Mayor
Ordinance appropriating amended estimated receipts and amended estimated expenditures of $3,857,224 for the Port of San Francisco for the fiscal year ending June 30, 2014.
05/07/13; ASSIGNED to Budget and Finance Committee.

130417 [Public Employment - Amendment to the Annual Salary Ordinance, FYs 2012-2013 and 2013-2014 - San Francisco Airport Commission]
Sponsor: Mayor
Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FYs 2012-2013 and 2013-2014) to reflect the addition of 32 positions (27.17 FTEs) in various job classes and delete 11 positions (11 FTEs) in various job classes for FY2013-2014 in the San Francisco Airport Commission.
05/07/13; ASSIGNED to Budget and Finance Committee.

130434 [Municipal Elections Code - Publication of Legal Text of Proposed Measures]
Sponsor: Wiener
Ordinance amending the Municipal Elections Code to specify that the Voter Information Pamphlet will not include the legal text of any ballot measure that exceeds 20 pages.
05/07/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Resolutions

130411 [Lyme Disease Awareness Month - May 2013]
Sponsors: Kim; Campos
Resolution declaring May 2013 as Lyme Disease Awareness Month.
05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130418 [Retail Lease - Sega Food Groups, Inc. - 133 O'Farrell Street - Annual Base Rent of $180,000]
Sponsor: Chiu
Resolution authorizing the Municipal Transportation Agency to execute a retail lease agreement with Sega Food Groups, Inc., and Ramin Vahabi for approximately 1,127 square feet of retail space at 133 O'Farrell Street, for a 10 year term, plus two five year extension options, at an initial annual base rent of $180,000 with annual increases.
05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130419 [Resolution of Intention - Top of Broadway Community Benefit District]
Sponsor: Chiu
Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Top of Broadway Community Benefit District" and levy a multi-year assessment on identified parcels in the district; approving the Management District Plan, Engineer's Report, and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballots; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

05/07/13; ASSIGNED to Government Audit and Oversight Committee.

130420 [Real Property Conveyance - Land Dedication - 1294-8 Shotwell Street - Inclusionary Affordable Housing]
Sponsor: Campos
Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate, consisting of approximately .27 acres improved by a 11,672 square foot commercial building for the Mayor's Office of Housing pursuant to the land dedication process permitted under Planning Code, Section 419; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

05/07/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130421 [Accept and Expend Grant - Highway Bridge Program - $3,415,487]
Sponsor: Cohen
Resolution authorizing the Department of Public Works to retroactively accept and expend a Federal grant in the amount of $3,415,487 from the Federal Highway Administration for the Islais Creek Bridge Rehabilitation Project for the period of May 1, 2013, through March 31, 2015. (Fiscal Impact)

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130422 [Contract for, Accept, and Expend Grant - Criminal Restitution Compact - Up to $256,974]
Sponsor: Cohen
Resolution authorizing the Office of the District Attorney to contract for, accept, and expend up to $256,974 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2013, through June 30, 2016.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130423 [Accept and Expend Grant - 2011 Port Security Grant Program Funds for Portwide CCTV and Pier 80 Security Improvements - $1,322,753]
Sponsors: Mayor; Cohen
Resolution authorizing the Port to accept and expend $1,322,753 in 2011 Port Security Grant Program funds from the U.S. Department of Homeland Security's Infrastructure Protection Program, including $919,243 for Portwide CCTV and $403,510 for Pier 80 security improvements, for the period of June 1, 2013, through June 30, 2013.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130424 [Approval of Official Statement for Certificates of Participation - Port Facilities Project]

Sponsor: Mayor

Resolution providing for the sale of certificates of participation (Certificates) evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City under a Project Lease to finance capital projects at the Port of San Francisco; providing for the sale of the Certificates by competitive sale; approving the form and publication of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of a Preliminary Official Statement and the form and execution of an Official Statement relating to the sale of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the execution, sale and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130425 [Accept and Expend Grant - Friends of San Francisco Public Library - Up to $750,000]

Sponsor: Mayor

Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of up to $750,000 of in-kind gifts, services, and cash monies from the Friends of the San Francisco Public Library for direct support for a variety of public programs and services for the period of July 1, 2012, through June 30, 2013.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130426 [Proposition J Contract Certification - Specified Contracted-Out Services Previously Approved - Airport Commission]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees for information booth, security, and shuttle bus services at the Airport.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130427 [New Market Tax Credit Program - Continuation]

Sponsors: Mayor; Breed

Resolution approving the continuation of the New Market Tax Credit Program, established by the former Redevelopment Agency of the City and County of San Francisco, revisions to the Bylaws of the San Francisco Community Investment Fund, and contributions of City staff under a Cooperative Agreement, and authorizing the San Francisco Community Investment Fund to enter into contracts to implement New Market Tax Credit Program at no cost to the City's General Fund.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130428 [Accept and Expend Grant - California Cultural and Historical Endowment Grant for Pier 70 Union Iron Works Stabilization Project - $250,000]

Sponsors: Mayor; Cohen

Resolution authorizing the Port to accept and expend a grant in the amount of $250,000 from the California Cultural and Historical Endowment Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the Pier 70 Union Iron Works Machine Shop Stabilization Project for the period of June 15, 2013, through December 31, 2014.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130431 [Asian Women's Shelter - 25th Anniversary]
Sponsors: Chiu; Kim and Campos
Resolution commemorating the Asian Women's Shelter on their 25th anniversary for their distinguished service to those who have suffered from domestic violence in the City and County of San Francisco.

05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130432 [San Francisco Conservation Corps - 30th Anniversary]
Sponsors: Chiu; Campos
Resolution commemorating the San Francisco Conservation Corps on their 30th anniversary for their dedication to providing job and academic training to youth in underserved communities in the City and County of San Francisco.

05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130433 [Urging the California State Legislature to Pass Assembly Bill 840]
Sponsor: Yee
Resolution urging the California State Legislature to pass Assembly Bill 840 to require the Department of Motor Vehicles to have driver's license applicants sign a statement implying they are aware of the dangers caused by distracted driving.

05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130435 [National Hispanic Hepatitis Awareness Day - May 15, 2013]
Sponsors: Campos; Avalos
Resolution declaring May 15, 2013, as National Hispanic Hepatitis Awareness Day in the City and County of San Francisco in order to raise awareness of Hepatitis A, Hepatitis B, and Hepatitis C, and liver health overall, in the lives of San Francisco's diverse Latino and Latina residents.

05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130436 [Urging the California State Legislature to Pass Assembly Bill 755]
Sponsors: Mar; Campos, Yee and Chiu
Resolution urging the California State Legislature to pass Assembly Bill 755 to require all proposed new construction or refurbishment of bridges take into account plans for a suicide barrier to become eligible for any State or Federal funds apportioned by the State.

05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

130397 [Committee of the Whole - Report of Assessment Costs for Blighted Properties]
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 21, 2013, at 3:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

05/07/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130403 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]
Sponsor: Chiu
Motion that the Board of Supervisors convene in closed session on May 14, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation relating to the Transient Occupancy Tax in which the City is a defendant pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

05/07/13; RECEIVED AND ASSIGNED to Board of Supervisors.

Requests for Hearing

130394 [Hearing - Implementation of Recommendations - Civil Grand Jury Report - "Deja Vu All Over Again: San Francisco's City Technology Needs a Culture Shock"]
Hearing to receive updates, from various City Departments who were required to provide a response, on the implementation of Recommendation Nos. 4, 7, 9, 10, 11, 12, 13, 14, 15, 17, and 18 contained in the 2011-2012 Civil Grand Jury Report, entitled "Deja Vu All Over Again: San Francisco's City Technology Needs a Culture Shock" and respond to the Civil Grand Jury on the status of these implementations. (Clerk of the Board)

05/07/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130398 [Public Hearing - Report of Assessment Costs for Blighted Properties]
Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

05/07/13; RECEIVED AND ASSIGNED to Board of Supervisors.

130437 [Hearing - Reviewing the Proliferation of Parklets]
Sponsor: Mar
Hearing to look at how parklets have spread in certain parts of the City, examine their impact, and consider the benefits they may provide to merchant corridors.

05/07/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130438 [Hearing - Municipal Transportation Agency Budget Update - FY2013-2014]
Sponsor: Farrell
Hearing to receive an update on the Municipal Transportation Agency's Budget for FY2013-2014.
05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130439 [Hearing - Youth Commission's Policy & Budget Priorities Update - FYs 2013-2014 and 2014-2015]
Sponsor: Farrell
Hearing to receive an update on the Youth Commission's Policy & Budget Priorities for FYs 2013-2014 and 2014-2015.
05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130440 [Hearing - Sunday Streets]
Sponsor: Avalos
Hearing to review Sunday Streets Program, including a review of how the program operates, the benefits of the program, how the program is funded, and what the City can do to further the program's goals.
05/07/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130441 [Hearing - Affordable Housing Fund - Stabilization Program]
Sponsors: Avalos; Chiu
Hearing on proposed uses of Affordable Housing Fund Stabilization Program to support San Francisco homeowners to preserve affordable housing options and upgrade habitability of secondary units.
05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130442 [Hearing - City Fiber Network]
Sponsor: Chiu
Hearing into the vision and strategy of the Department of Technology and other City agencies regarding the expansion and uses, including support for public WiFi, of the City's fiber network.
05/07/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED RESOLUTIONS

130359 [Sale of Easement - Public Utilities Commission to Pacific Gas & Electric Company - Watershed Lands Near Edgewood Road, Unincorporated San Mateo County - $2,200]

Resolution approving and authorizing the sale of an easement on the City and County of San Francisco's property, consisting of approximately 7,800 square feet of watershed lands in unincorporated San Mateo County, near Edgewood Road, by the Public Utilities Commission, for the price of $2,200; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan and the priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

04/19/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130360 [Settlement of Claim - Bank of San Francisco - $32,246]

Resolution approving the proposed settlement of claim filed by Bank of San Francisco against the City and County of San Francisco for $32,246; claim was filed on July 17, 2012, bearing claim number 13-00117. (City Attorney's Office)

04/19/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Rules Committee.

130361 [Settlement of Claim - Stanford Group Company - $63,292.52]

Resolution approving the proposed settlement of claim filed by Stanford Group Company against the City and County of San Francisco for $63,292.52; claim was filed on July 25, 2012, bearing claim number 13-00190. (City Attorney's Office)

04/18/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Rules Committee.

130362 [Lease Extension Agreement - 711 Van Ness Avenue - Emergency Management and Assessor-Recorder - 14.5 Months for $17,996.67 Per Month]

Resolution authorizing a 14.5 month extension of the Lease with SFOC, LLC, of 9,800 sq. ft. at 711 Van Ness Avenue, for a total lease term of 35 months with a base rent of $17,966.67 per month, for the Department of Emergency Management and the Office of the Assessor-Recorder for the period of April 14, 2014, through June 30, 2015. (Real Estate Department)
(Fiscal Impact)

04/22/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130391 [Airport Professional Services Agreement Amendment - Curbside Management Program - Not to Exceed $14,636,814]

Resolution approving Amendment No. 1 to Professional Services Agreement, Airport Contract No. 8994, Manage and Staff the Curbside Management Program, between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $15,067,000, pursuant to Charter, Section 9.118(b), for the period of July 1, 2013, through June 30, 2014. (Airport Commission)

04/24/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130392 [Agreement Amendment - Motorola, Inc., 800 MHz - $28,000,000]

Resolution authorizing the Department of Technology to enter into the Seventh Amendment of the Citywide 800 MHz Radio System Project Agreement between the City and Motorola, Inc., to increase the contract amount to $28,000,000 for the period of September 22, 1997, through September 21, 2017. (Department of Technology)

04/25/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130399 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

04/29/13; RECEIVED FROM DEPARTMENT.

05/07/13; RECEIVED AND ASSIGNED to Board of Supervisors.

In Memoriams

Todd Bove - Supervisor Campos
Babette Drefke - Supervisor Cohen
Pamela Rollo - Supervisor Yee

ADJOURNMENT

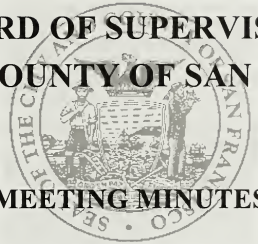
There being no further business, the Board adjourned at the hour of 7:56 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 11, 2013.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO



MEETING MINUTES

GOVERNMENT DOCUMENTS DEPT
APR - 7 2015
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, May 14, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of April 9, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

130299 [Appropriation and De-Appropriation - $4,072,764 for Overtime - FY2012-2013]
Sponsor: Mayor

Ordinance appropriating $4,072,764 to overtime and de-appropriating $4,072,764 consisting of $3,272,301 in permanent salaries and $800,463 in fringe benefits in the Fire Department's operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.
(Fiscal Impact)

Ordinance No. 090-13

FINALLY PASSED

Recommendation of the Budget and Finance Sub-Committee

130224 [Agreement - Pacific Gas and Electric Company - University Mound Reservoir Project - $86,765.18]
Sponsor: Campos
Ordinance authorizing the Public Utilities Commission General Manager to enter into a long-term interconnection agreement with Pacific Gas and Electric Company to connect a small renewable energy project at University Mound Reservoir to the electric system; and waiving specific requirements of the Administrative Code and the Environment Code in the best interests of the City for an amount of $86,765.18 with a duration of ten years and automatic renewal every year thereafter.

Ordinance No. 087-13

FINALLY PASSED

Recommendation of the Neighborhood Services and Safety Committee

130262 [Police Code - Access to Reproductive Health Care Facilities]
Sponsors: Campos; Cohen, Kim, Avalos, Wiener, Mar, Breed, Chiu, Yee and Tang
Ordinance amending the Police Code, Article 43, Sections 4301, 4302, 4303, and 4304, to replace the existing eight-foot bubble zone around individuals entering, exiting, and seeking services at health care facilities with a fixed buffer zone around the entrances, exits, and driveways of reproductive health care facilities; and to prohibit any person from entering or remaining in that buffer zone, with certain exceptions; and making environmental findings.

Ordinance No. 088-13

FINALLY PASSED

Recommendations of the Rules Committee

130313 [Settlement of Lawsuit - Carlos Benavides Arroliga v. CCSF, et al. - $250,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Benavides Arroliga against the City and County of San Francisco for $250,000; the lawsuit was filed on September 13, 2011, in San Francisco Superior Court, Case No. CGC-11-514165; entitled Carlos Benavides Arroliga, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney's Office)

Ordinance No. 091-13

FINALLY PASSED

130314 [Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - $80,000]
Ordinance authorizing settlement of the lawsuit by Zurich American Insurance Company, against the City and County of San Francisco for $80,000; the lawsuit was filed on January 17, 2013, in San Francisco Superior Court, Case No. CGC-13-528071; entitled Zurich American Insurance Company v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 092-13

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

130284 [Planning, Building Codes - Fee Waiver Program - Small Business Month, May 2013]
Sponsor: Tang
Ordinance recognizing Small Business Month in May 2013; amending the Planning Code and the Building Code to retroactively waive fees for the month of May for certain façade improvements; and making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

Ordinance No. 089-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Rules Committee

130315 [Settlement of Lawsuit - CTIA - The Wireless Association]
Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees. (City Attorney's Office)

Ordinance No. 086-13

FINALLY PASSED by the following vote:

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 1 - Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

130185 [Appropriation - $656,958 of General Fund Reserve to the Public Defender for Salary Expenditures - FY2012-2013]
Sponsors: Campos; Avalos and Mar
Ordinance appropriating $656,958 from the General Fund Reserve to the Public Defender for salary expenditures in FY2012-2013, pursuant to Charter Section 9.113, this appropriation is subject to a two-thirds affirmative vote of all members of the Board of Supervisors.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130261 [Health Code - Retroactive Increase in Patient Rates for Certain Mental Health Services]
Sponsor: Mayor
Ordinance amending the Health Code, Section 128, to retroactively increase patient rates charged for certain mental health services.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130364 [De-Appropriation and Re-Appropriation - $71,016 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $71,016 in salaries in the Public Utilities Commission, Hetch Hetchy Department, operating budget and re-appropriating $71,016 to overtime in the Public Utilities Commission, Hetch Hetchy Department operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130365 [De-Appropriation and Re-Appropriation - Operating Budget Amendment of $5,096,000 and Capital Improvement Projects of $42,178,878 for Public Utilities Commission - FY2013-2014]

Sponsor: Mayor

Ordinance amending the adopted FY2013-2014 Appropriation Ordinance and other adopted biennial capital appropriation ordinances for the Public Utilities Commission, including $3,100,000 in de-appropriation and re-appropriation for the Hetch Hetchy Enterprise operating budget; de-appropriating $16,414,070 and re-appropriating $7,513,665 in capital projects in the Hetch Hetchy Capital Improvement Program projects; de-appropriating and re-appropriating $1,996,000 in the Water Enterprise operating budget; de-appropriating $70,955,900 and re-appropriating $55,169,000 in the in the Water Enterprise Capital Improvement Program projects; and de-appropriating $56,370,059 and re-appropriating $38,878,486 in the Wastewater Enterprise Capital Improvement Program.

(Fiscal Impact)

Supervisor Farrell, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to June 18, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130366 [De-Appropriation and Re-Appropriation - $250,000 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $250,000 in debt service in the Public Utilities Commission, Water Enterprise Department, operating budget, and re-appropriating $250,000 to overtime in the Public Utilities Commission, Water Enterprise Department, operating budget, in order to support the department's projected increases in overtime, as required by Board of Supervisors Ordinance No. 194-11; and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130367 [De-Appropriation and Re-Appropriation - $16,546,000 to Public Utilities Commission for Expenditures - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $16,546,000 in existing Wastewater Capital Improvement Program project budgets and re-appropriating the funds to Wastewater Sewer System Improvement Program budgets adopted by the Public Utilities Commission.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130273 [Accept In Kind Gift - Technical Assistance - $250,000]
Resolution authorizing the Office of the District Attorney to retroactively accept an in kind gift of technical assistance valued at $250,000 from the Open Society Foundation for the grant period of January 1, 2013, through June 30, 2015. (District Attorney)

Resolution No. 140-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130274 [Accept Gift - Design Services and Furniture - $26,445.43]
Resolution authorizing the Office of the District Attorney to retroactively accept a gift of design services and furniture, valued at a total of $26,445.43 from various donors. (District Attorney)
(Supervisors Mar and Avalos dissented in Committee.)

Privilege of the floor was granted to Jon Givner, Deputy City Attorney, and Cristine DeBerry (District Attorney's Office) who responded to questions raised throughout the discussion.

Supervisor Campos, seconded by Supervisor Avalos, moved that this Resolution be AMENDED to allow the acceptance contingent on the District Attorney filing a Form 801 with the Fair Political Practices Commission, and further requiring the District Attorney to file a copy of the Form 801 with the Clerk of the Board for inclusion in the official file. The motion FAILED by the following vote:

Ayes: 3 - Avalos, Campos, Mar
Noes: 8 - Breed, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee

Resolution No. 141-13

ADOPTED by the following vote:

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 1 - Avalos

Recommendations of the Budget and Finance Sub-Committee

130244 [Health, Business and Tax Regulations Code - Regulate and Establish Annual Fees - Cottage Food Operations]
Ordinance amending the Health Code, by adding Section 452.1, to establish a procedure for regulating Cottage Food Operations; amending the Business and Tax Regulations Code, by adding Section 249.1A, to establish annual fees for Cottage Food Operations; and making environmental findings. (Public Health Department)
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130286 [Term Sheet Endorsement - Development of Seawall Lot 337 and Pier 48 and Finding of Fiscal Feasibility]
Sponsors: Mayor; Kim, Chiu and Wiener
Resolution finding the proposed development of Seawall Lot 337 and Pier 48, bounded by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay and adjacent to AT&T Park, fiscally feasible under Administrative Code, Chapter 29, and endorsing the Term Sheet between Seawall Lot 337 Associates, LLC and the Port Commission.

Resolution No. 142-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130072 [Airport Concession Lease - Clear Channel Outdoor, Inc., dba Clear Channel Airports - $10,000,000 Minimum Annual Guarantee]
Resolution approving the Airport Advertising Lease between Clear Channel Outdoor, Inc., dba Clear Channel Airports, acting by and through its Airport Commission, for an eight year term with a minimum annual guarantee of $10,000,000. (Airport Commission)

Privilege of the floor was granted to Harvey Rose, Budget and Legislative Analyst, and John Martin, San Francisco International Airport Director, who responded to questions raised throughout the discussion.

Supervisor Avalos, seconded by Supervisor Kim, moved that this Resolution be CONTINUED to May 21, 2013. Supervisors Avalos and Kim withdrew the motion.

Resolution No. 138-13

ADOPTED by the following vote:

Ayes: 9 - Breed, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 2 - Avalos, Campos

130277 [Agreement - Engineered Arresting Systems Corporation - Not to Exceed $40,000,000]
Resolution authorizing the Office of Contract Administration and Purchaser to enter into the Agreement between the Airport Commission and Engineered Arresting Systems Corporation for the not to exceed amount of $40,000,000 for the purchase of an Engineered Material Arresting System for the San Francisco International Airport Runway Safety Area Program. (Airport Commission)

Resolution No. 137-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130342 [Lease Amendment - Master Bike Rental Concession - ParkWide Activities, LLC]
Sponsors: Breed; Mar
Resolution authorizing the execution of a first amendment to the lease between the Recreation and Park Department and ParkWide Activities, LLC, for the operation of a master bike rental concession in City parks, for the period of August 17, 2011, through August 16, 2016.

Resolution No. 143-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130343 [Accept and Expend Grant - San Francisco Covered California Initiative - $568,800]
Sponsor: Mayor

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of $568,800 from the State of California to participate in a program entitled San Francisco Covered California Initiative for the period of May 1, 2013, through December 31, 2014.

Privilege of the floor was granted to Jason Elliott (Mayor's Office) indicated that we did not receive the award for additional funding to do outreach and education to individuals about how to purchase insurance on the exchange. Further indicating that the Department of Public Health and the Office of Small Business will continue to do this work in hopes that a second round of funding might be offered.

Supervisor Farrell, seconded by Supervisor Cohen, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130370 [Appropriation and De-Appropriation - Equipment Lease Revenue Bonds, Series 2013A - $2,056,612 - FY2012-2013]
Sponsor: Mayor

Ordinance appropriating $2,056,612 of Equipment Lease Revenue Bonds, Series 2013A, Proceeds and de-appropriating $171,628 of equipment lease project to fund related financial costs for issuing Equipment Lease Revenue Bonds, Series 2013A, for Citywide Lease Equipment financing in FY2012-2013.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130376 [Issuance - Equipment Lease Revenue Bonds, Series 2013A - Finance Corporation Equipment Program - Not to Exceed $12,500,000]
Sponsor: Mayor

Resolution approving the form of and authorizing execution and delivery of Equipment Lease Revenue Bonds, Series 2013A, Supplement No. 19, between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco (City), as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $12,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

Resolution No. 144-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130383 [Accept and Expend Grant - Bay Area Regional Energy Network - $931,000]
Sponsor: Mar

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant of $931,000 from the Association of Bay Area Governments to perform various activities as part of a Bay Area Regional Energy Network energy efficiency program for the period of January 1, 2013, through December 31, 2014.

Resolution No. 145-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Neighborhood Services and Safety Committee

130163 [Liquor License Transfer - 2545-24th Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1480 Alabama Street to 2545-24th Street (District 10), to Steven Schefsky and Jim Saxton, for Playland ABC, LLC, will serve the public convenience and necessity of the City and County and San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 139-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Tang, seconded by Supervisor Yee, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SMALL BUSINESS WEEK

Monetta White, Vice President, Small Business Commission, provided an overview and made opening remarks. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Small Business Week, their accomplishments, and their continued community support as referenced below:

Supervisor Tang recognized Rolling Out; and
Supervisor Yee recognized JoJo's Café; and
Supervisor Cohen recognized Gilberth's; and
Supervisor Farrell recognized Poetica Art and Antiques; and
Supervisor Mar recognized Arguello Market; and
Supervisor Chiu recognized 450 Sutter Pharmacy; and
Supervisor Campos recognized Heath Ceramics; and
Supervisor Avalos recognized Vali of the Dolls Hair and Nail, and Dream Teams Runway; and
Supervisor Wiener recognized Beaux, Midnight Sun, Q Bar, and The Edge; and
Supervisor Kim recognized 1:AM Gallery; and
Supervisor Breed recognized The Independent.

Steve Adams, President, Small Business Commission, congratulated the above referenced honorees and made closing remarks.

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to SF Public Library and open government. (See additional information submitted on Page 305.)
Peter Warfield; expressed concerns relating to the SF Public Library.
Female Speaker; shared in poem certain concerns with the Board.
Walter Paulson; shared in song certain concerns with the Board.
Seshel Marconen; shared results of recent survey relating to public health benefits.
Male Speaker; expressed various religious concerns.

Supervisor Mar was noted absent at 6:18 p.m. for the remainder of the meeting.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

130403 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]
Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on May 14, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation relating to the Transient Occupancy Tax in which the City is a defendant pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M13-064

Supervisor Campos, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

The Board recessed at the hour of 6:39 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee

Persons in attendance:
Jose Cisneros, Treasurer/Tax Collector
Ben Rosenfield, Controller
Kate Howard, Mayor's Budget Director
Jon Givner, Deputy City Attorney
Julie Van Nostern, Deputy City Attorney
Peter Keith, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Supervisor Wiener was noted absent at 7:16 p.m. for the remainder of the meeting.
Supervisor Avalos was noted absent at 7:25 p.m. for the remainder of the meeting.

Matter was heard in closed session, no action was taken, and the hearing was filed.

RECONVENING OF THE BOARD

The Board reconvened at the hour of 7:45 p.m.

The following Supervisors were noted present: Supervisors Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Yee

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Cohen, seconded by Supervisor Yee, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 8 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Yee
Absent: 3 - Avalos, Mar, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130411 [Lyme Disease Awareness Month - May 2013]
Sponsors: Kim; Campos
Resolution declaring May 2013 as Lyme Disease Awareness Month.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 147-13

ADOPTED

130431 [Asian Women's Shelter - 25th Anniversary]
Sponsors: Chiu; Kim and Campos
Resolution commemorating the Asian Women's Shelter on their 25th anniversary for their distinguished service to those who have suffered from domestic violence in the City and County of San Francisco.

Supervisors Kim and Campos requested to be added as co-sponsors.

Resolution No. 148-13

ADOPTED

130432 [San Francisco Conservation Corps - 30th Anniversary]
Sponsors: Chiu; Campos
Resolution commemorating the San Francisco Conservation Corps on their 30th anniversary for their dedication to providing job and academic training to youth in underserved communities in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 149-13

ADOPTED

130433 [Urging the California State Legislature to Pass Assembly Bill 840]
Sponsor: Yee
Resolution urging the California State Legislature to pass Assembly Bill 840 to require the Department of Motor Vehicles to have driver's license applicants sign a statement implying they are aware of the dangers caused by distracted driving.

Resolution No. 150-13

ADOPTED

130435 [National Hispanic Hepatitis Awareness Day - May 15, 2013]
Sponsors: Campos; Avalos
Resolution declaring May 15, 2013, as National Hispanic Hepatitis Awareness Day in the City and County of San Francisco in order to raise awareness of Hepatitis A, Hepatitis B, and Hepatitis C, and liver health overall, in the lives of San Francisco's diverse Latino and Latina residents.

Resolution No. 151-13

ADOPTED

130436 [Urging the California State Legislature to Pass Assembly Bill 755]
Sponsors: Mar; Campos, Yee and Chiu
Resolution urging the California State Legislature to pass Assembly Bill 755 to require all proposed new construction or refurbishment of bridges take into account plans for a suicide barrier to become eligible for any State or Federal funds apportioned by the State.

Resolution No. 152-13

ADOPTED

130397 [Committee of the Whole - Report of Assessment Costs for Blighted Properties]
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 21, 2013, at 3:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

Motion No. M13-065

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

Supervisor Cohen, seconded by Supervisor Breed, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 130386 be severed so that it may be considered separately.

130386 [Urging the California State Senate to Pass Senate Bill 622]
Sponsors: Campos; Avalos, Mar and Kim
Resolution urging the California State Senate to pass Senate Bill 622, which would levy an excise tax of one cent ($0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.

Resolution No. 146-13

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee
Absent: 1 - Mar

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice Requirements]
Sponsors: Kim; Campos, Avalos and Mar
Ordinance amending Administrative Code, Chapter 31, to provide for appeals under the California Environmental Quality Act to the Board of Supervisors of environmental impact reports, negative declarations, exemption determinations, and determinations on modified projects; to clarify and update existing Chapter 31 procedures, including without limitation: to provide for the Planning Department or Planning Commission to approve all exemption determinations; to require the Planning Department to establish an electronic notification system; to expand noticing of exempt projects; to require new noticing when filing notices of exemption and notices of determination; to revise noticing of negative declarations and environmental impact reports for plans of 20 acres or more; to provide an expanded role for the Historic Preservation Commission; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

03/20/13; REFERRED TO DEPARTMENT.

04/09/13; SUBSTITUTED, AND ASSIGNED to Land Use and Economic Development Committee.

04/12/13; REFERRED TO DEPARTMENT.

04/17/13; RESPONSE RECEIVED.

04/22/13; RESPONSE RECEIVED.

04/29/13; RESPONSE RECEIVED.

05/14/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130369 [Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements]
Sponsor: Mayor
Ordinance amending the Building and Health Codes to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending the Public Works Code to eliminate soil testing provisions; renumbering code sections in the Health Code; and making environmental findings.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

05/01/13; REFERRED TO DEPARTMENT.

05/02/13; RESPONSE RECEIVED.

05/14/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130453 [Memorandum of Understanding - San Francisco Sheriffs' Managers and Supervisors Association - FY2013-2014]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 1 to the 2012-2014 Collective Bargaining Agreement between the City and County of San Francisco and San Francisco Sheriffs' Managers and Supervisors Association by implementing specified terms and conditions of employment for FY2013-2014.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130454 [Memorandum of Understanding - San Francisco Deputy Sheriffs' Association - FY2013-2014]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No.1 to the 2012-2014 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association, by implementing specified terms and conditions of employment for FY2013-2014.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130455 [Memorandum of Understanding - Service Employees International Union, Local 1021 - FY2013-2014]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 1 to the 2012-2014 Collective Bargaining Agreement between the City and County of San Francisco and the Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FY2013-2014.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130456 [Compensation for Unrepresented Employees - City and County of San Francisco - Effective July 1, 2013]
Sponsor: Mayor
Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment, effective July 1, 2013.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130458 [Redevelopment Plan Amendment - Mission Bay South]
Sponsor: Mayor
Ordinance approving an amendment to the Mission Bay South Redevelopment Plan, which modifies the land use designation for certain property to add residential as a permitted use and to increase the permitted residential density in the Plan Area, but does not increase the allocation of tax increment under a pre-existing enforceable obligation; making environmental findings under the California Environmental Quality Act; and making findings pursuant to the General Plan and Planning Code, Section 101.1(b).

05/14/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/13/2013.

130459 [Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District]
Sponsors: Campos; Wiener
Ordinance amending the Planning Code, Mission Alcoholic Beverage Special Use District controls, to allow the transfer of liquor licenses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt grocery stores and certain institutional, arts, and other uses from the controls; establishing operating conditions for liquor-related uses; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/13/2013.

130460 [Administrative Code - Airport Facilities Naming Advisory Committee]
Sponsors: Campos; Wiener, Avalos, Kim, Mar, Yee and Chiu
Ordinance amending the Administrative Code to establish the Airport Facilities Naming Advisory Committee and to establish its powers and duties.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/13/2013.

130461 [Police, Administrative Codes - Alcohol Regulation]
Sponsor: Cohen
Ordinance amending the Police Code to prohibit possession of an open alcohol container at any premises with an off-sale license from the Alcohol Beverage Control Board, and to require some conditions before the Board of Supervisors may consider granting any licensee a letter of public convenience and necessity under California Business and Professions Code, Section 23958.4; amending the Administrative Code to impose additional reporting requirements from the Police Department to the Board of Supervisors; and making environmental findings.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Safety Committee, expires on 6/13/2013.

130462 [Business and Tax Regulations Code - Public Realm Landscaping, Improvement, and Maintenance Assessment Districts]
Sponsor: Cohen
Ordinance amending the Business and Tax Regulations Code, by adding Article 15A "Public Realm Landscaping, Improvement and Maintenance Assessment Districts," to provide for establishment of assessment districts to finance landscaping, improvements, and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 6/13/2013.

130464 [Administrative Code - California Environmental Quality Act Procedures, Appeal of Exempt Project Modification]
Sponsors: Kim; Campos, Avalos, Mar and Yee
Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the Planning Commission of a Planning Department determination that an exempt project modification does not require a new decision under the California Environmental Quality Act; and making environmental findings.

05/14/13; ASSIGNED to Land Use and Economic Development Committee.

130465 [Settlement of Claims, Litigation, and Appropriation - Water Pipeline Break - 15th Avenue and Wawona Street - Not to Exceed $4,000,000]
Sponsors: Yee; Chiu
Ordinance authorizing the Public Utilities Commission (SFPUC) and the City Attorney's Office to approve settlements of claims or litigation arising out of the February 27, 2013, accidental break of the SFPUC's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco for amounts exceeding $25,000 per claim, notwithstanding Administrative Code, Section 10.22 et.seq., subject to a total amount not to exceed $4,000,000 if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Rules Committee; and appropriating $4,000,000 from the Water Enterprise Fund Balance for such purpose.

05/14/13; ASSIGNED to Rules Committee.

Resolutions

130466 [Real Property Lease - 1145 Market Street - Health Service System - $743,280 Annually]
Sponsor: Mayor
Resolution authorizing a 10-year lease of 19,560 sq. ft. at 1145 Market Street for office space for the Health Service System from 1145 Market Street LP, for an initial annual rent of $743,280.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130467 [Urging the California State Legislature to Pass Assembly Bill 241]
Sponsors: Avalos; Mar and Campos
Resolution urging the California State Legislature and the Governor to pass Assembly Bill 241, the Domestic Worker Bill of Rights, to provide respect, protection, rights, and dignity to domestic workers and to value the work they perform caring for our children, elderly, and our families.

05/14/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130468 [Real Property Lease Amendment - PROXYdevelopment, LLC - Revised Monthly Base Rent to $7,200]
Sponsor: Breed
Resolution approving the execution of a lease amendment for a portion of property commonly known as Assessor's Block No. 0817, Lot No. 30 (Parcel K), by and between the City and County of San Francisco and PROXYdevelopment, LLC, for an extended term through January 31, 2021, and a revised monthly base rent of $7,200 effective June 1, 2015.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130469 [Accept and Expend Gift - EcoCenter - $20,000]
Sponsor: Kim
Resolution authorizing the Department of the Environment to retroactively accept and expend a gift in the amount of $20,000 from CH2MHill to build out the Department of the Environment's EcoCenter at 1455 Market Street for an unspecified period starting February 1, 2013.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130470 [Resolution of Intention - Renew and Expand the Central Market Community Benefit District]
Sponsor: Kim
Resolution declaring the intention of the Board of Supervisors to renew and expand the property-based business improvement district (community benefit district) to be known as the "Central Market Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the Management District Plan, Engineer's Report, and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130471 [SOMA Community Stabilization Fund Program - $300,000]
Sponsors: Kim; Campos
Resolution authorizing the 2013 South of Market Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization Fund dollars in the amount of $300,000.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130472 [Public Works Week - May 18-25, 2013]
Sponsors: Wiener; Tang and Campos
Resolution commending the men and women of the Department of Public Works and declaring May 18-25, 2013, as Public Works Week in the City and County of San Francisco.

05/14/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130473 [Emergency Contract - Laguna Honda Hospital Cart Wash - Not to Exceed $328,644]
Sponsor: Yee
Resolution approving funding increase for an emergency public work contract under Administrative Code, Section 6.60, to repair a kitchen cart wash leak and related mold abatement at Laguna Honda Hospital in an amount not to exceed $595,367.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request for Hearing

130474 [Hearing - Willie Brown Middle School Project Update]
Sponsor: Kim
Hearing regarding the current status of the Willie Brown Middle School Project, including architectural plan(s), design, and timeline, as well as curriculum development.

05/14/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130400 [Health Code - Massage Practitioners]
Ordinance amending the Health Code to exempt massage practitioners who are certified by the State of California and massage establishments that employ only state-certified massage practitioners from requirements for obtaining a permit from the Health Department; and making environmental findings. (Public Health Department)

05/02/13; RECEIVED FROM DEPARTMENT.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

130401 [Health Code - Hazardous Materials]
Ordinance amending the Health Code to require electronic applications for registration of hazardous materials and for underground storage tanks be filed through the California Environmental Reporting System, to eliminate the requirement that registration of hazardous materials plans include a program for reduction of hazardous materials, and to provide for fee adjustment; and making environmental findings. (Public Health Department)

05/02/13; RECEIVED FROM DEPARTMENT.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

130402 [Health, Business and Tax Regulations Codes - Safe Body Art]
Ordinance amending the Health Code by repealing miscellaneous sections relating to tattooing and adding Article 40 to require body art practitioners to register with the Department of Public Health (DPH) and to annually renew registration, and to require permanent and temporary body art facilities to obtain and annually renew permits with DPH; amending the Business and Tax Regulations Code by adding fees relating to body art permits and licenses; and making environmental findings. (Public Health Department)

05/02/13; RECEIVED FROM DEPARTMENT.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

PROPOSED RESOLUTIONS

130393 [Professional Services Agreement - Parsons Transportation Group, Inc., The Allen Group, LLC, and EPC Consultants, Inc. - Program Management Support Services for the Terminal 1/Boarding Area B Redevelopment Program - Not to Exceed $32,000,000]

Resolution approving Professional Services Agreement, Airport Contract 9185.9, Program Management Support Services for the San Francisco International Airport, Terminal 1/Boarding Area B Redevelopment Program between T1 Partners, a Joint Venture of Parsons Transportation Group, Inc., The Allen Group, LLC, and EPC Consultants, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, in the not to exceed amount of $4,453,178 for the first year of services; this is a multi-year, multi-phased program with an estimated total contract value in the not to exceed amount of $32,000,000 pursuant to Charter, Section 9.118(b). (Airport Commission)

05/01/13; RECEIVED FROM DEPARTMENT.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130396 [Expenditure Plans - Human Services Care Fund - FYs 2013-2014 and 2014-2015]

Resolution approving the FYs 2013-2014 and 2014-2015 expenditure plans for the Human Services Care Fund. (Human Services Department)
(Fiscal Impact)

04/30/13; RECEIVED FROM DEPARTMENT.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130404 [Agreements - Specialized and Technical Services for Natural Resources and Watershed Management and Monitoring - Not to Exceed $5,000,000 Each]

Resolution authorizing the General Manager of the Public Utilities Commission to execute Agreements with CDM Smith/ATS, a Joint Venture (CS-211A); ICF+Avila, a Joint Venture (CS-211B); Shaw Environmental and Infrastructure, Inc. (CS-211C); and URS Corporation (CS-211D) for Specialized and Technical Services for Natural Resources and Watershed Management and Monitoring, each with an agreement amount not to exceed $5,000,000 and each with a term not to exceed 14 years pursuant to Charter, Section 9.118(b). (Public Utilities Commission)

05/06/13; RECEIVED FROM DEPARTMENT.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Request Granted

From: Supervisors Tang and Farrell
To: Controller's Office
Requesting/Inquiring: Inquiring about the Public Defender Budget.

In June 2009, the Controller's Office released a study of the Office of the Public Defender's budget. The study included an analysis of PDR spending by operating unit, cases handled, cost per case, days from filing to disposition, number of court events, and benchmarks.

As a part of this inquiry:
- Please update the 2009 study to reflect information up through the current year regarding spending by operating unit, cases handled, cost per case, days from filing to disposition, number of court events.

More specifically:
- In the analysis of cost per case, provide update on the average cost per case of private counsel through the San Francisco Bar Association's Indigent Defense Administration (IDA) versus counsel provided by the PDR.
- Provide update on how PDR staffing ratios compare to national caseload standards.
- Provide update on how frequently the PDR refers cases to IDA based on staffing availability instead of a true conflict of interest.
- Provide update on caseload comparison between misdemeanor and felony filings handled by the PDR.

In Memoriams

Andrew Simpson - Supervisor Chiu
Nancy Faye Graham Owens - Supervisor Cohen
Shiwang Yang - Supervisors Avalos and Chiu
Carl M. Olsen - Supervisor Breed
Luigi Silvestri - Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:46 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 18, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: City Librarian, Luis Herrera, has his own version of "don't ask, don't tell." His arrangement with The Friends of the San Francisco Public Library, works like this: He won't ask any questions about the millions of dollars they raise and expend each year in the name of the citizens of San Francisco, if they don't tell him anything about where the money goes. Despite the fact that a written agreement, called "The Framework," requires a laughably minimal level of reporting on finances, The Friends did not provide the information and Mr. Herrera did not ask for the information. At the same time, Herrera benefited both directly and indirectly from money received from The Friends. Grant Funding Request documents show a City Librarian's Discretionary Fund of $36,000 for 2008/2009 and $35,000 for 2009/2010. Public records requests give no indication that any of these funds have been reported to any City agency.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT DOCUMENTS DEPT
APR - 7 2015
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, May 21, 2013 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Kim and Mar were noted absent. There was a quorum.

AGENDA CHANGES

There were none.

Supervisor Mar was noted present at 2:09 p.m.
Supervisor Kim was noted present at 2:10 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Breed, moved to approve the Board Meeting Minutes of April 16, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

130443 [Formal Policy Discussions - May 21, 2013]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall answer the following eligible question submitted by Supervisor representing District 8. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. In many neighborhoods across the city, our sidewalks don't have the capacity to ensure safe and comfortable pedestrian flow, which squeezes pedestrians into tight areas and forces people to step onto the street. While infrastructure improvements like widening our sidewalks and creating bulb-outs can dramatically alleviate pedestrian congestion issues, these improvements are expensive and resources are limited. A less expensive solution is to improve placement of street furniture, such as surface utility boxes, news racks, bus shelters, advertising kiosks, public toilets and other fixtures on the sidewalk, which individually and in the aggregate impede pedestrian flow and restrict visibility of pedestrians at corners. With so many pieces of sidewalk furniture competing for scarce sidewalk real estate, how will you work with the various Departments that authorize placement of these items to ensure that we are doing everything we can to create safe and comfortable sidewalks along our busy streets? How will you ensure that the City is doing everything that it can to fix existing sidewalk bottlenecks and hazardous pedestrian visibility conditions and ensure that we do not create new ones? How will your Pedestrian Strategy, including the 5 miles per year program, address this problem? (Supervisor Wiener, District 8)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced question. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

130261 [Health Code - Retroactive Increase in Patient Rates for Certain Mental Health Services]

Sponsor: Mayor

Ordinance amending the Health Code, Section 128, to retroactively increase patient rates charged for certain mental health services.

Ordinance No. 093-13

FINALLY PASSED

130367 [De-Appropriation and Re-Appropriation - $16,546,000 to Public Utilities Commission for Expenditures - FY2012-2013]
Sponsor: Mayor
Ordinance de-appropriating $16,546,000 in existing Wastewater Capital Improvement Program project budgets and re-appropriating the funds to Wastewater Sewer System Improvement Program budgets adopted by the Public Utilities Commission.
(Fiscal Impact)

Ordinance No. 094-13

FINALLY PASSED

Recommendations of the Budget and Finance Sub-Committee

130244 [Health, Business and Tax Regulations Code - Regulate and Establish Annual Fees - Cottage Food Operations]
Ordinance amending the Health Code, by adding Section 452.1, to establish a procedure for regulating Cottage Food Operations; amending the Business and Tax Regulations Code, by adding Section 249.1A, to establish annual fees for Cottage Food Operations; and making environmental findings. (Public Health Department)
(Fiscal Impact)

Ordinance No. 096-13

FINALLY PASSED

130370 [Appropriation and De-Appropriation - Equipment Lease Revenue Bonds, Series 2013A - $2,056,612 - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $2,056,612 of Equipment Lease Revenue Bonds, Series 2013A, Proceeds and de-appropriating $171,628 of equipment lease project to fund related financial costs for issuing Equipment Lease Revenue Bonds, Series 2013A, for Citywide Lease Equipment financing in FY2012-2013.

Ordinance No. 095-13

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

130420 [Real Property Conveyance - Land Dedication - 1294-8 Shotwell Street - Inclusionary Affordable Housing]
Sponsor: Campos
Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate, consisting of approximately .27 acres improved by a 11,672 square foot commercial building for the Mayor's Office of Housing pursuant to the land dedication process permitted under Planning Code, Section 419; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

Resolution No. 153-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

130185 [Appropriation - $656,958 of General Fund Reserve to the Public Defender for Salary Expenditures - FY2012-2013]
Sponsors: Campos; Avalos and Mar
Ordinance appropriating $656,958 from the General Fund Reserve to the Public Defender for salary expenditures in FY2012-2013, pursuant to Charter Section 9.113, this appropriation is subject to a two-thirds affirmative vote of all members of the Board of Supervisors.
(Fiscal Impact)

Ordinance No. 097-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130364 [De-Appropriation and Re-Appropriation - $71,016 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $71,016 in salaries in the Public Utilities Commission, Hetch Hetchy Department, operating budget and re-appropriating $71,016 to overtime in the Public Utilities Commission, Hetch Hetchy Department operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

Ordinance No. 098-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130366 [De-Appropriation and Re-Appropriation - $250,000 to Public Utilities Commission for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance de-appropriating $250,000 in debt service in the Public Utilities Commission, Water Enterprise Department, operating budget, and re-appropriating $250,000 to overtime in the Public Utilities Commission, Water Enterprise Department, operating budget, in order to support the department's projected increases in overtime, as required by Board of Supervisors Ordinance No. 194-11; and requiring a two-thirds vote of all members of the Board of Supervisors for approval. (Fiscal Impact)

Ordinance No. 099-13

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

130226 [Park Code - South of Market West Skatepark and Dog Park]
Sponsor: Kim

Ordinance amending the Park Code to designate portions of the property (Assessor's Block No. 3513, Lot Nos. 071 and 074) leased by the City and County of San Francisco from the State of California, immediately under and adjacent to the portions of the Central Freeway located between Otis and Stevenson Streets and between Valencia and Stevenson Streets and partially bounded by Duboce Avenue and referred to as "South of Market (SoMa) West Skatepark and Dog Park," as a "park" within the meaning of the Park Code and to authorize the Recreation and Park Department's Park Patrol to patrol those portions of the leased property; and making environmental findings, and findings of consistency with the General Plan.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130381 [Sale - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - Not to Exceed $133,275,000]
Sponsors: Mayor; Wiener, Yee and Mar

Resolution authorizing and directing the sale of not to exceed $133,275,000 aggregate principal amount of Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.
(Fiscal Impact)

Supervisor Mar requested to be added as a co-sponsor.

Resolution No. 154-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130363 [Appropriation - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - $133,275,000 - FY2012-2013]

Sponsors: Mayor; Wiener, Yee, Chiu and Mar

Ordinance appropriating $133,275,000 of the Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013B, Proceeds including $122,058,097 to the Department of Public Works and $11,216,903 to the Municipal Transportation Agency for resurfacing, sidewalk, curb ramp, and street structure improvements, the redesign of street streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130382 [Sale - Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B - Not to Exceed $31,905,000]

Sponsors: Mayor; Chiu

Resolution authorizing and directing the sale of not to exceed $31,905,000 aggregate principal amount of Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of said bonds; approving the Form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

Resolution No. 155-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130368 [Appropriation - Earthquake Safety and Emergency Response General Obligation Bonds, 2011, Series 2013B - $31,905,000 - FY2012-2013]

Sponsors: Mayor; Chiu

Ordinance appropriating $31,905,000 of the Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B, Proceeds to the Department of Public Works in FY2012-2013 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster; and placing these funds on Controller's Reserve pending the sale of the bonds.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130380 [Issuance - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed $195,000,000]

Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar

Resolution providing for the issuance of not to exceed $195,000,000 aggregate principal amount of Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

Supervisor Mar requested to be added as a co-sponsor.

Resolution No. 156-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130377 [Sale - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed $74,030,000]

Sponsors: Mayor; Farrell, Wiener, Avalos, Kim, Chiu and Mar

Resolution authorizing and directing the sale of not to exceed $74,030,000 aggregate principal amount of City and County of San Francisco Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive Sale; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement Relating to the Sale of Said Bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

Supervisor Mar requested to be added as a co-sponsor.

Resolution No. 157-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130371 [Appropriation and De-Appropriation - Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A - $74,030,000 - FY2012-2013]

Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar

Ordinance appropriating $74,030,000 of the Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A, Proceeds including $55,156,304 to the Recreation and Parks Department and $18,873,696 to the Port for the renovation, repair, and construction of parks and open spaces (Proposition B) in FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130335 [Airport Lease Amendment - Gotham Enterprises, LLC - Minimum Annual Guarantee $37,353]

Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0193 between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of $37,353, for the term of September 29, 2003, through February 23, 2017. (Airport Commission)

Resolution No. 158-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130378 [Lease - Data Center Space - 3101 Gold Center Drive, Rancho Cordova, California - Initial Term of Two Years - Base Annual Rental Rate of $130,473.84]

Sponsors: Mayor; Chiu

Resolution authorizing the use of space and communication services within an existing data center located at 3101 Gold Center Drive, Rancho Cordova, California, from the State of California Technology Agency, Office of Technology Services, through an Agreement; and authorizing certain amendments and extensions to said Agreement as warranted for an initial term of two years with a base annual rental rent of $130,473.84.

Resolution No. 159-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130384 [Airspace Lease - State of California - Property along Duboce Street, between Otis Street and Stevenson Street - SoMa West Skatepark - Initial Term of Twenty Years - Initial Monthly Base Rent $10,000]

Sponsor: Kim

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 071, and located along Duboce Street between Otis Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and an initial monthly rent of $10,000; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.
(Fiscal Impact)

Resolution No. 160-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130385 [Airspace Lease - State of California - Property under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street - SoMa West Dog Park - Initial Term of Twenty Years - Total Base Rent $2,335,343]
Sponsor: Kim
Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 074, and located under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and a total base rent of $2,335,343; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.

Resolution No. 161-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Government Audit and Oversight Committee

130318 [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]
Sponsor: Cohen
Ordinance amending the Transportation Code, Division I, Section 4.4, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the $1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2013, through May 31, 2023, and making environmental findings.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Land Use and Economic Development Committee

130070 [Planning Code - Duboce Park Historic District]
Sponsors: Wiener; Campos
Ordinance amending the Planning Code, by adding a new Appendix N to Article 10, Preservation of Historical, Architectural, and Aesthetic Landmarks, to create the Duboce Park Historic District; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130182 [Police, Administrative Codes - Entertainment-Related Permits]
Sponsor: Wiener

Ordinance amending the Police Code to clarify permit requirements and procedures, as well as to expand suspension, citation, and enforcement provisions regarding Entertainment Commission permits, including Place of Entertainment Permits, Limited Live Performance Permits, Temporary Place of Entertainment Permits, Temporary Limited Live Performance Permits, Extended-Hours Premises Permits, and Temporary Extended-Hours Premises Permits, and noise limits and standards; amending the Administrative Code to clarify fee setting and reporting procedures; and making environmental findings.

Supervisor Chiu, seconded by Supervisor Wiener, moved that this Ordinance be AMENDED on Page 29, beginning on Line 6, by adding '(d) Any moratorium under this Section 1070.36 shall only apply to Extended Hours Premises Permits for any premises where Entertainment is furnished or occurs upon the premises and shall not apply to any premises that serves food, beverages, or food and beverages, without Entertainment.' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisors Chiu and Campos requested to be added as co-sponsors.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

130398 [Public Hearing - Report of Assessment Costs for Blighted Properties]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Gretchen Rud (Department of Public Works) provided an overview of the assessments. Jerome Pallack (540-9th Street); Peter Shaffer (1228 Folsom Street); Harold Nguyen (428 Grove Street); Mary Cantrell (290 Pacific Avenue); Bill (Chinatown); William Chang (934 Howard Street); Sheu Fa; (272 Capp Street); Douglas Yepp; Paul (304 Valencia Street); Ned Gavin; Robert Lo (Mission District); Ray Hartz; spoke objecting to the proposed assessments. Gretchen Rud (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

130399 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

Gretchen Rud (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment:

3010-20th Street; 3226-22nd Street; 643-7th Street; 540-9th Street; 2011 Bayshore Boulevard; 1035 Bush Street; 815 Clay Street; 834 Divisadero Street; 27 Duboce Avenue; 5133 Geary Boulevard; 815-829 Grant Avenue; 960 Grant Avenue; 428 Grove Street; 855 Harrison Street; 1606 Harrison Street; 921 Howard Street; 222 Hyde Street; 250 Industrial Street; 947 Judah Street; 2117 Market Street; 1875 Mission Street; 1131 Mission Street; 2829 Mission Street; 460 Natoma Street; 1080 Post Street; 1741 Powell Street; 54 Ringold Street; 112 Russ Street; 2836 San Bruno Avenue; 304 Valencia Street.

The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 130399, were received without objection.

Resolution No. 162-13

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Breed, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ASIAN PACIFIC AMERICAN HERITAGE MONTH
Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Asian Pacific American Heritage Month, their accomplishments, and their continued community support as referenced below:

Supervisor Breed recognized Eugene Wing (Galileo High School); and
Supervisor Kim recognized Joyce and Alan Manalo; and
Supervisor Wiener recognized Mary Jung (Democratic County Central Committee); and
Supervisor Avalos recognized Mario de Mira; and
Supervisor Campos recognized Alan Yi; and
Supervisor Chiu recognized Eva Lee and Betty Louie (Chinatown Merchants Association); and
Supervisor Mar recognized Mark Izu; and
Supervisor Farrell recognized Emerald Yeh; and
Supervisor Cohen recognized Alesana V. Tolai; and
Supervisor Yee recognized Irene Yee-Riley; and
Supervisor Tang recognized Hai Yan Jackson (Hai Yan Jackson Chinese Dance).

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to public records requests and SF Public Library. (See additional information submitted on Page 328.)
Peter Warfield; expressed concerns relating to the SF Public Library.
Edgar Rust; expressed concerns relating to utility poles and safety.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Richard Becker; expressed concerns relating to the permit processing.
Christina Sata; expressed concerns relating to MUNI bus service.
John DiDonna; shared in poem certain concerns with the Board.
Douglas Yepp; expressed concerns relating to Santa Clara/San Francisco 49er's.
John Mburu Njoroge; expressed various concerns.
Greg Chu; shared information relating to the passing of Tony Wei King.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130467 [Urging the California State Legislature to Pass Assembly Bill 241]
Sponsors: Avalos; Mar and Campos
Resolution urging the California State Legislature and the Governor to pass Assembly Bill 241, the Domestic Worker Bill of Rights, to provide respect, protection, rights, and dignity to domestic workers and to value the work they perform caring for our children, elderly, and our families.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 163-13

ADOPTED

130472 [Public Works Week - May 18-25, 2013]
Sponsors: Wiener; Tang and Campos
Resolution commending the men and women of the Department of Public Works and declaring May 18-25, 2013, as Public Works Week in the City and County of San Francisco.

Supervisors Tang and Campos requested to be added as co-sponsors.

Resolution No. 164-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Charter Amendment

130481 [Charter Amendment - Retiree Health Care Trust Fund]
Sponsor: Farrell

Charter Amendment (First Draft) to amend Charter, Sections 12.204 and A8.432, to limit Retiree Health Care Trust Fund payments to defray participating employer retiree health care costs until employer sub-trusts are fully funded; allow for payments from an individual employer's sub-trust if that employer's retiree health care costs are greater than ten percent (10%) of the employer's total payroll costs even if that employer's sub-trust is not fully funded; permit modifications to these funding guidelines if recommended by the Controller and the City's Governmental Accounting Standards Board actuary, and approved by the Mayor, two-thirds of the Board of Supervisors, and the Retiree Health Care Trust Fund Board; and make the Controller, the City Treasurer, and the Executive Director of the San Francisco Employees' Retirement System, or their designees, members of the Retiree Health Care Trust Fund Board.

05/21/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2013.

Ordinances

130251 [Public Works Code - Public Improvements as Gifts]
Sponsors: Wiener; Yee

Ordinance amending the Public Works Code, by adding Section 791, to allow the Director of the Department of Public Works, subject to specified requirements, to accept certain public improvements as public gifts and dedicate such improvements to public use; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

03/20/13; REFERRED TO DEPARTMENT.

03/20/13; TRANSFERRED to Budget and Finance Sub-Committee.

03/25/13; RESPONSE RECEIVED.

05/14/13; TRANSFERRED to Land Use and Economic Development Committee.

05/21/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130252 [Administrative Code - Street Design Review Committee]
Sponsors: Wiener; Yee
Ordinance amending the Administrative Code, by adding Section 98.2, to establish a Street Design Review Committee.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

03/20/13; REFERRED TO DEPARTMENT.

05/21/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130482 [Appropriation - Port Revenue Bond Proceeds, Surplus Revenues, and Expenditures of Supporting Capital Projects - $34,722,930 - FY2012-2013]
Sponsors: Mayor; Chiu
Ordinance appropriating $34,722,930 consisting of $25,265,500 of 2013 Port Revenue Bond Series A and B proceeds, $849,680 of Interest Earnings, $6,445,220 from 2010 Revenue Bond funded projects, $1,689,074 from 2012 Certificates of Participation Series B funded projects and $473,456 from Port Capital Funded projects to the Port Commission in FY2012-2013 for the development of the Cruise Terminal Project at Pier 27 and the Northern Waterfront Historic Pier Structures Repair Project.
(Fiscal Impact)

05/21/13; ASSIGNED to Budget and Finance Committee.

130486 [Planning Code - Formula Retail Use for Hayes-Gough Neighborhood Commercial Transit District]
Sponsor: Breed
Ordinance amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Hayes-Gough Neighborhood Commercial Transit District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

05/21/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130485 [Memorandum of Understanding - San Francisco Police Officers' Association (Units P-1 & P-2A) - FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by implementing specified terms and conditions of employment for FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

05/21/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130484 [Memorandum of Understanding - San Francisco Police Officers' Association (Unit P-2B) - FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by implementing specified terms and conditions of employment for FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

05/21/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130483 [Appropriation - Water Revenue Bonds for the Public Utilities Commission Calaveras Dam Project - $55,064,799; and Re-Appropriation - Water System Improvement Projects - $77,271,24 - FY2012-2013]
Sponsor: Mayor
Ordinance appropriating $55,064,799 of proceeds from San Francisco Public Utilities Commission (SFPUC) Water Revenue Bonds to fund the Water System Improvement Program (WSIP) Calaveras Dam Project and re-appropriating $77,271,241 of WSIP Project appropriations to various WSIP Projects consistent with the revised April 2013 WSIP Program Budget adopted by the SFPUC.
(Fiscal Impact)
05/21/13; ASSIGNED to Budget and Finance Committee.

130501 [Administrative Code - Assessment Appeals Boards - Modify Board No. 3 Membership and Function; Procedural Revisions]
Ordinance amending the Administrative Code, regarding Assessment Appeals Boards, to modify the structure of Assessment Appeals Board No. 3 to provide that the members of Board No. 3 are different than the members of Board No. 1; that the function of Board No. 3 is the same as Board No. 2; provide for staggered terms of initial Board No. 3 members; remove provisions regarding Board Members not meeting current State requirements; add a public comment timing option; and making nonsubstantive clarifying revisions. (Clerk of the Board)
05/21/13; ASSIGNED to Rules Committee.

Resolutions

130487 [Real Property Lease - 1145 Market Street - San Francisco Law Library - $42,753.75 Per Month]
Sponsor: Mayor
Resolution authorizing a potential five-year lease of up to 20,000 sq. ft. at 1145 Market Street for space for the San Francisco Law Library from 1145 Market Street LP, a California limited partnership, at an initial monthly cost of $42,753.75 for the period of July 1, 2013, through June 30, 2014.
(Fiscal Impact)
05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130500 [Emergency Contract - Water and Sewer Pipelines - Vicinity of 15th Avenue and Wawona Street - Not to Exceed $1,450,000]
Sponsor: Yee
Resolution approving an emergency public work contract for the Public Utilities Commission under Administrative Code, Section 6.60, to replace the water and sewer pipelines in the vicinity of 15th Avenue and Wawona Street with a contract amount not to exceed $1,450,000.
05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130499 [Accept and Expend Grant - San Francisco Parks Alliance - Carl Larsen Park - $225,000]
Sponsor: Tang
Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant of $225,000 from the the San Francisco Parks Alliance for the renovation of the playground

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130498 [Lafayette Park Grand Reopening]
Sponsors: Farrell; Campos
Resolution recognizing the grand reopening of the Lafayette Park and commending the Recreation and Park Department, Department of Public Works, Friends of Lafayette Park, and the entire project team, for their hard work and commitment to San Francisco's parks and its residents.

05/21/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130497 [Emergency Contract - Southeast Water Pollution Control Plant at 750 Phelps Street - Not to Exceed $9,000,000]
Sponsor: Cohen
Resolution approving an emergency Public Works contract of the San Francisco Public Utilities Commission under Administrative Code, Section 6.60, to replace the unstable roofs on five digesters and two biosolids storage cake bins at the Southeast Water Pollution Control Plant at 750 Phelps Street with a contract amount not to exceed $9,000,000.
(Fiscal Impact)

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130496 [Accept and Expend Grant - Legal Educational Advocacy Program - $229,803]
Sponsor: Campos
Resolution authorizing the Public Defender's Office to retroactively accept and expend a grant in the amount of $229,803 from the Board of State and Community Corrections for the purposes of implementing a Legal Educational Advocacy Program at the Public Defender's Office for the period of January 1, 2013, through December 31, 2013.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130495 [Term Sheet Endorsement - Forest City Development - Development of Pier 70 Waterfront Site - Fiscal Feasibility]
Sponsors: Mayor; Cohen
Resolution finding the proposed development of the Pier 70 Waterfront Site, an approximately 28-acre site located in the southeast corner of Pier 70, fiscally feasible under Administrative Code, Chapter 29, and endorsing the Term Sheet between Forest City Development California, Inc., a California corporation, and the Port Commission.
(Fiscal Impact)

05/21/13; ASSIGNED to Budget and Finance Committee.

130494 [Agreements - Amending State Contract Funds - Alcohol and Drug Programs - $69,008,529]

Sponsor: Mayor

Resolution retroactively authorizing the San Francisco Department of Public Health, Community Behavioral Services, to enter into an amended Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2014, in the amount of $69,008,529; implementing a Contingency Assignment of Agreement from DADP to the Department of Health Care Services (DHCS) if the FY2013-2014 Budget Act is enacted to eliminate DADP and transfer the "Non Drug Medi-Cal" Program to DHCS; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the DPH County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130493 [Agreement - State Contract Funds - Community Behavioral Health Services - $238,581,122]

Sponsor: Mayor

Resolution retroactively approving an agreement between the California Department of Health Care Services and Community Behavioral Health Services, to provide specialty mental health services for the period of May 1, 2013, through April 30, 2018.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130492 [Apply for, Accept, and Expend Grant - Community Development Block Grant - FY2013-2014 - $24,094,211]

Sponsor: Mayor

Resolution approving the Community Development Block Grant (CDBG) Program authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 CDBG Program entitlement from the U.S. Department of Housing and Urban Development in the amount of $16,204,214 and to expend program income and reprogrammed funds in the amount of $6,963,291 for a combined total of $23,167,505 for a period beginning July 1, 2013, without an expiration date.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130491 [Apply for, Accept, and Expend Grant - Housing Opportunities for Persons with AIDS Program - FY2013-2014 - $11,179,285]

Sponsor: Mayor

Resolution approving the Housing Opportunities for Persons with AIDS (HOPWA) Program and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 HOPWA Program entitlement from the U.S. Department of Housing and Urban Development in the amount of $9,244,998 and to expend program income and reprogrammed funds in the amount of $2,546,160 for the period of July 1, 2013, through June 30, 2018.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130490 [Apply for, Accept, and Expend Grant - Emergency Solutions Grants Program - FY2013-2014 - $1,182,146]
Sponsor: Mayor
Resolution approving the Emergency Solutions Grants Program and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 Emergency Solutions Grants Program entitlement in the amount of $1,528,852 from the U.S. Department of Housing and Urban Development for an unspecified period starting July 1, 2013.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130489 [Apply for, Accept, and Expend Grant - HOME Program - FY2013-2014 - $4,113,152]
Sponsor: Mayor
Resolution approving the FY2013-2014 HOME Investment Partnership (HOME) Program and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of $3,763,707 and to expend program income in the amount of $30,000 for the period of July 1, 2013, through June 30, 2018.
(Fiscal Impact)

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130488 [Issuance - Port Revenue Bonds - James R. Herman Cruise Terminal Project - Not to Exceed $25,300,000]
Sponsors: Mayor; Chiu
Resolution authorizing the issuance of not to exceed $25,300,000 aggregate principal amount of Port Revenue Bonds for the purpose of financing capital improvements related to Phase II of the James R. Herman Cruise Terminal Project located at Pier 27 and for improvements to Northern Waterfront Historic Piers; authorizing the Port to cause the preparation of such documents necessary in connection with the issuance of said Port revenue bonds; stating the official intent of the Port to reimburse itself with tax-exempt bonds for expenditures made or to be made for the acquisition, construction, or improvement of the project; authorizing the Port to borrow funds on an interim basis from the City's commercial paper program; and related matters.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request for Hearing

130502 [Hearing - Budget and Legislative Analyst's Report - Socioeconomic Equity]
Sponsor: Avalos
Hearing to consider the Budget and Legislative Analyst's report on the socioeconomic equity in the City and County of San Francisco, and how the report may be used to guide the City's budget decision making process.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED RESOLUTION

130448 [Contract Amendment - Port of San Francisco - Pier 27 James R. Herman Cruise Ship Terminal and Northeast Wharf Plaza - Not to Exceed $11,491,708]

Resolution authorizing the Executive Director of the Port of San Francisco to execute an amendment to the contract with Kaplan, McLaughlin, and Diaz Architects, and Pfau Long Architecture, a Joint Venture, for architectural and engineering design services for the Pier 27 James R. Herman Cruise Ship Terminal and Northeast Wharf Plaza Project at Pier 27 to increase the not to exceed contract amount by $1,541,708 from $9,950,000 to $11,491,708 for the period of November 10, 2009, through December 31, 2014. (Port)
(Fiscal Impact)

05/13/13; RECEIVED FROM DEPARTMENT.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

Mikaela Lynch - Supervisor Tang
Ed Riordan - Supervisor Yee

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:36 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 25, 2013.

Angela Calvillo, Clerk of the Board

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: Public record requests indicate from 2008-2013, City Librarian Herrera received $181,000 from The Friends of the San Francisco Public Library! Herrera has total discretion in spending these funds, including sums for his personal benefit. As Mr. Herrera has failed to report any of these "gifts" as required by state and local ordinances, I have to wonder whether any of these sums were reported to the IRS or the FTB? As the bulk of these funds were spent on "gifts" for the staff of the library, I also have to wonder, whether these city employees were given proper information about the potential tax liability incurred by accepting these "gifts?" Using his position as City Librarian to direct city employees to withhold public records, to make statements to mislead the public, he has now potentially placed dozens of City employees in a position of having violated both federal and state tax codes!

Houchen
Bindery Ltd